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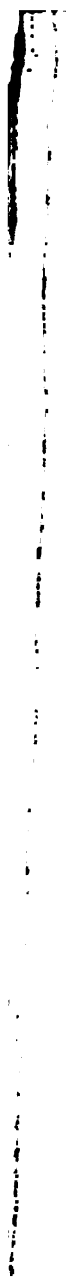
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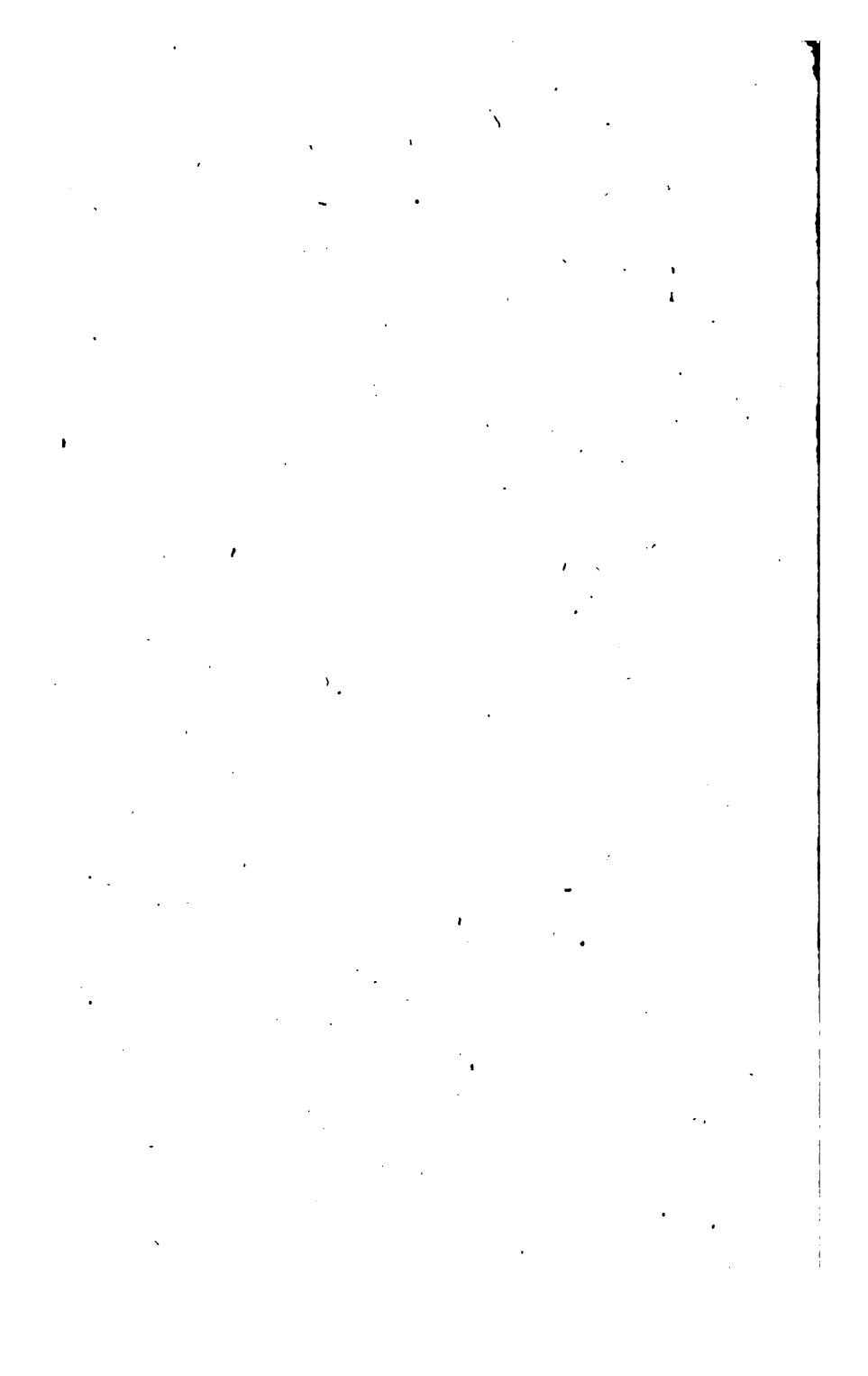
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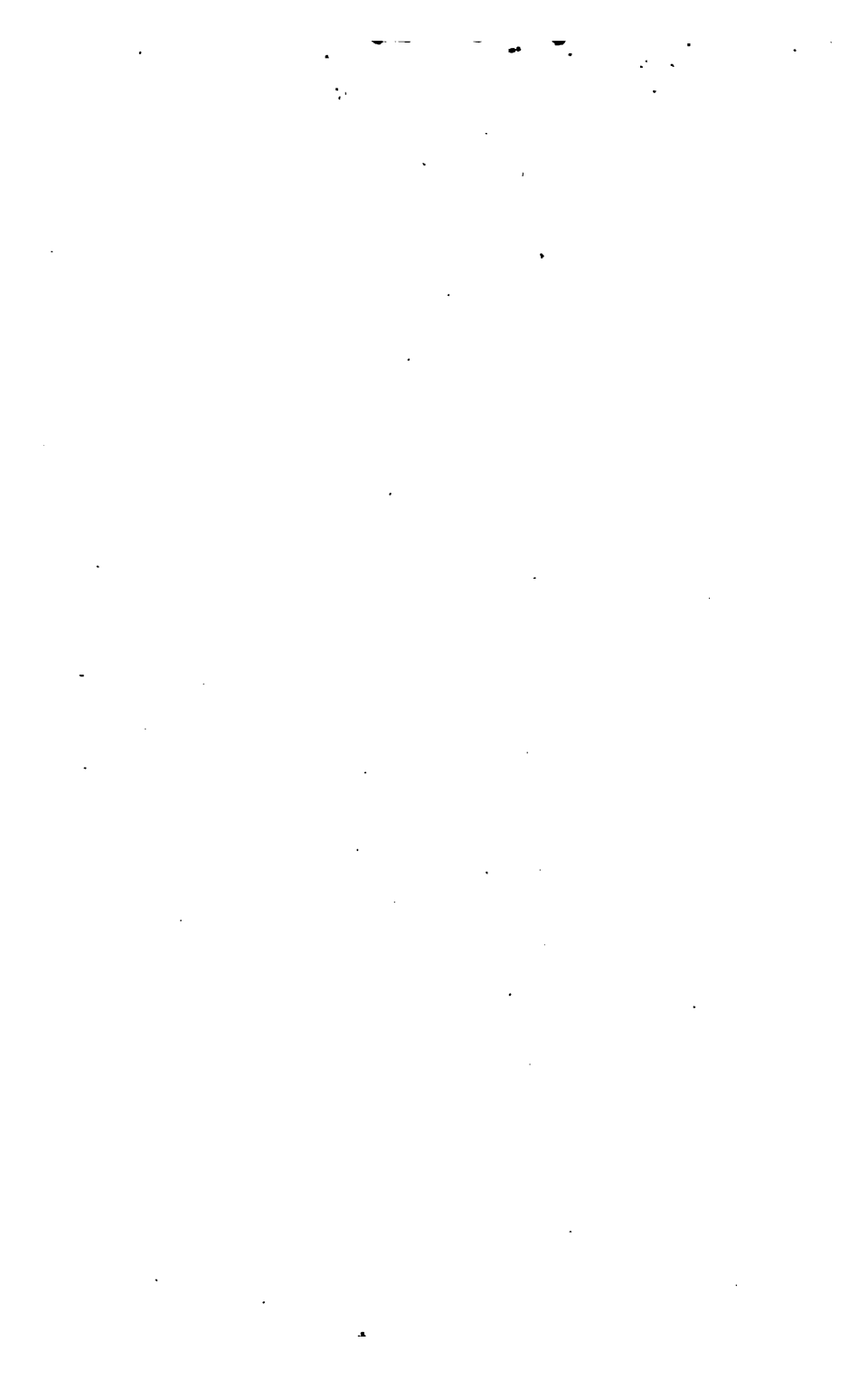
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A. Vandyke p.

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THE
HISTORY
OF
ENGLAND,
AS WELL
Ecclesiastical as Civil.

BY
M^r. DE RAPIN THOYRAS.

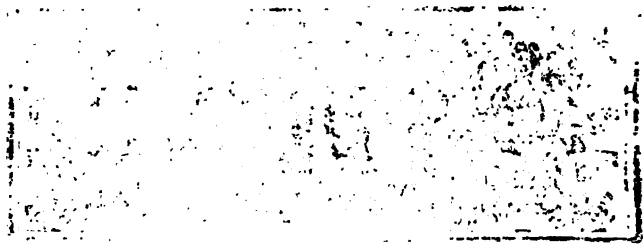
VOL. X.

CONTAINING
**The First Fifteen Years of the Reign of KING
CHARLES I.**

Done into *ENGLISH* from the *FRENCH*, with
large and useful *NOTES* mark'd with an *, by
**N. TINDAL, A. M. Vicar of Great-
Waltham in Essex.**

L O N D O N :

Printed for **JAMES and JOHN KNAPTON**, at
the *Crown* in *St. Paul's Church-yard*, *MDCCLXXII.*



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T H E P R E F A C E.



W H E N the Proposals for printing by Subscription Mr. RAPIN's History of England were first offered to the World by Mr. Rogissart at the Hague, at the same Time was published a short Plan of the principal Matters contained in each Volume. As that Part of it which relates to the Seventh Volume of the Original, gives an Account of the Method the Author took in writing the Reigns of King James I, and King Charles I; the Translator has thought fit to insert it here for the Reader's Satisfaction.

It is easy to perceive what great Difficulties an Historian, who has no other View than to speak the Truth, must encounter in writing the Reigns of James I. and Charles I. Which way soever he goes to work, it will not be possible for him to

THE PARTEFACTE

avoid the Imputation of Partiality, or to keep a just Medium between two Parties, whose Principles are diametrically opposite, and to whom, it may be, the siding with Neither is equally odious. The Point is in the Reign of James I, to know whether that Prince designed to stretch his Prerogative Royal, or only intended to guard and defend it against the Attempts of the People and Parliament. The Thing is much the same in the Reign of Charles I. But where shall we find a fix'd Principle to decide this Question? Who will take upon him to mark out the just Bounds of the King of England's Prerogative, and of the English Nation's Liberties? The Two Parties differing so very widely in their Principles on this Subject, the One calls manifest Rebellion, what the Other believes to be a just and lawful Defence of the People's Rights. Amidst these Difficulties, Mr. RAPIN has laid it down for a Rule, 1. To reject equally all immoderate Eulogiums and Invectives; 2. To compare the Facts related by the several Historians, receive as true such as they agree in, and admit none wherein they differ, but what are found to be supported by strong Proofs. For it is certain, partial Historians do not always make a Conscience of passing over in Silence some Facts, how true soever they may be. But as one and the same Action is good or bad, according as the Principle from whence it flows is good or bad, he has taken care to explain the Principles of the Two Parties, and to support them with the strongest Arguments they are capable of. After that, he leaves the Readers to judge of the particular Actions, according to the Principles they are pleased to adopt

The P R E F A C E.

depr. If he has sometimes swerved from this Rule, it was only when one of the Principles appears to be manifestly false. However, though he has a Respect for Both Parties, yet as he was unwilling to be a Slave to Either, he has not pretended to make his Court to Both, by forbearing to show, on occasion, the Faults of one or other. Of this we have a Proof in his System with regard to the Reign of Charles I. which is briefly this.

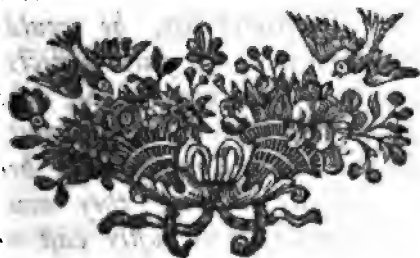
Mr. S. R. was persuaded that King Charles I. made a very ill Use of his Power, the first Fifteen Years of his Reign, and that he designed to establish in England something very like a despotick Government. That the Parliament of the 3d of November 1640, had all the Reason in the World to endeavour to restore the Government to its natural State. That when this was very near done, the King would willingly have been satisfied with the Power allowed him by the Laws, and was sincere in his Promises to keep within those Bounds. And indeed, it is not likely he would have attempted again what had succeeded so ill. That probably Expedients would have been found to remove the Parliament's Distrust with respect to the King's Promises, had not the Presbyterians used their utmost Endeavours to inflame this Distrust, on pretense of seeking Means to cure the People of their Fears. The Severity that had been exercised against them during the first Fifteen Years of this Reign, and the King's invincible Aversion to their Sect, were the Cause that they thought there was no Safety for them but in an entire Breach between the King and Parliament, and this was the Thing that

The P R E F A C E

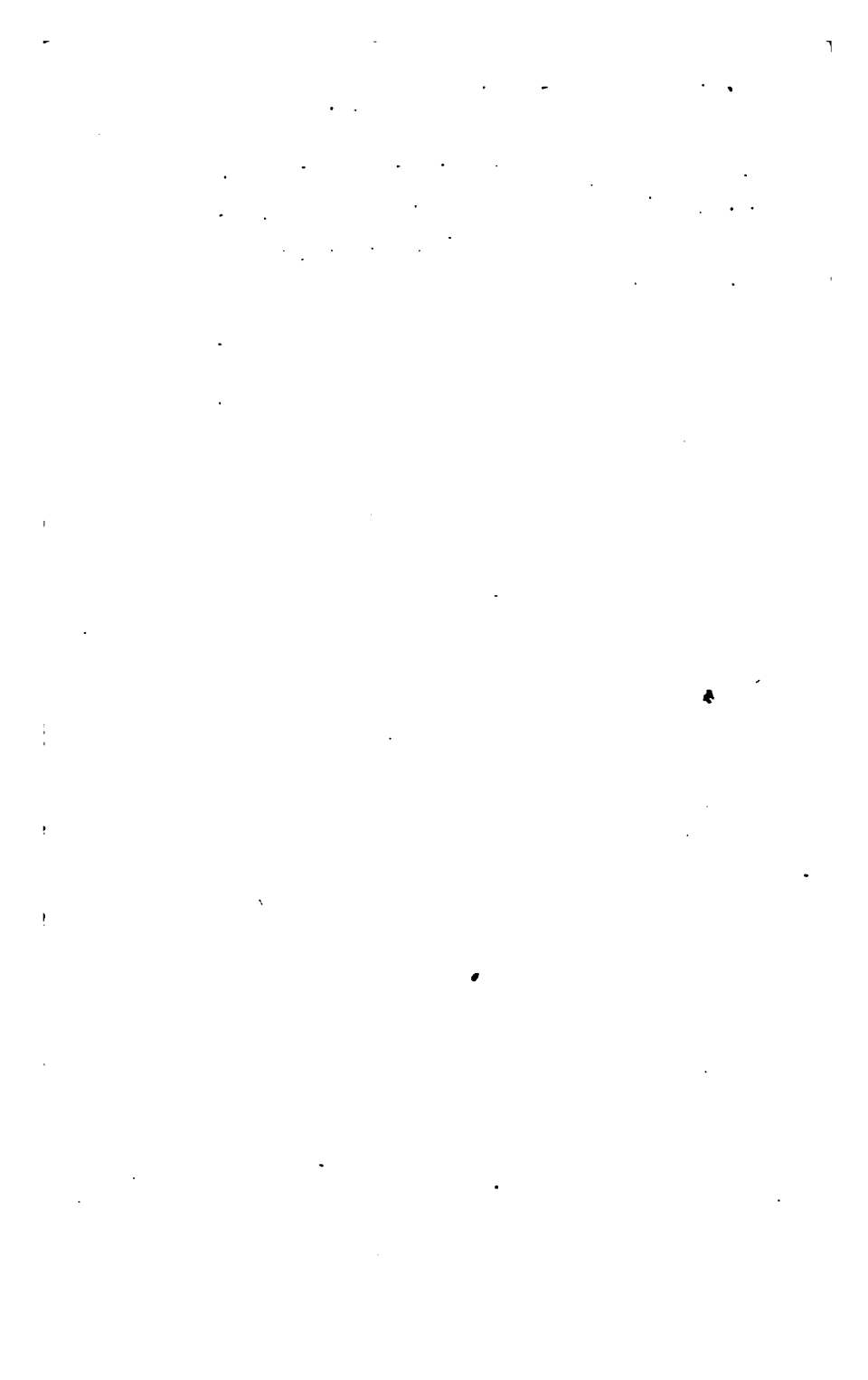
that occasioned the Civil Wars. Mr. RAPIN was far from approving their chief Design, of destroying the Church of England, or the Means they employed to that End; as on the other Hand, he could not like the Animosity of the Kings Council, Bishops, Star-Chamber, and High-Court, which was expressed against them, the first Fifteen Years of this Reign. According to his Principles, he thought the Presbyterians were no less in the wrong, to endeavour to erect their Ecclesiastical Government upon the Ruins of the Church of England, than the English Episcopalians had been in striving to force the Scots to conform themselves to the same Church. Could Charles I, have brought himself to have been a little more indulgent to the Presbyterians, he would in all likelihood have prevented the fatal Effects of this Rupture; and had the Presbyterians, when they were grown powerful, kept themselves within the Bounds of Reason and Equity, and been contented with a moderate Liberty, they would have avoided the Blame which is justly cast on their Conduct. In fine, the Independents who had concealed themselves among the Presbyterians till the Conclusion of the War, and under the Name of Presbyterians, had helped to carry Things to Extremities, made the Wound incurable, by making use of the Army entirely to destroy the Monarchy, the Church of England, and Presbyterianism. To these alone ought to be imputed the tragical Death of King Charles I, and all the Alterations afterwards in Church and State. If this System seems partial to Any, the Author was persuaded it must proceed from Passion and a Spirit of Party.

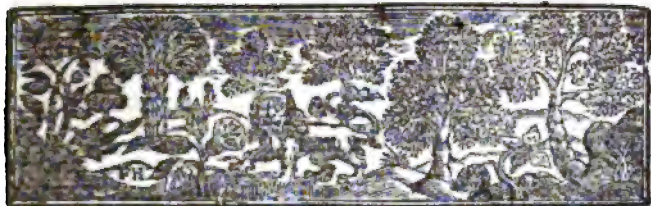
THE P R E F A C E.

It is requisite to let the Reader know, that Mr. *WILKINSON* having committed some Mistakes in abridging or giving the Substance of certain Speeches, Debates, Votes, Reports of Committees, and in letters of Law, these, for the most Part, the Translator has taken the Liberty to correct, by inserting, where he could, the very Words of the original Papers referred to, without adding any Notes, unless on particular Occasions.



T H E



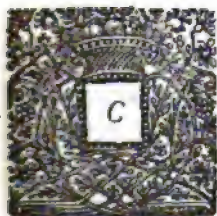


THE HISTORY of ENGLAND.

BOOK XIX.

*Containing the First Fifteen Years of the Reign
of CHARLES I.*

25. CHARLES I.



CHARLES I. Son and Successor of *JAMES I.*, was tinctured from his Infancy with the Principles concerning the *Regal Authority* and *Prerogative-Royal*, which the deceased King had so much countenanced and advanced in his Life-time. He had

the same Favourite, the same Council, the same Ministers, and all the Places at Court and in the Country, continued in the Hands of the Duke of *Buckingham's* Creatures. So there was nothing new but the King's Person. *Charles's* Journey to *Spain* had so indeared the Duke of *Buckingham* to him, that King *James's* Affection for that Favourite was nothing, as I may say, in comparison of the new King.

VOL. X.

A

King's

CHARLES I.
1625.
Rush.
Vol. I.
p. 166.

Buckingham is Favourite to the new King.

1625. King's. It was thought, and not without Ground, that if *James* had lived any longer, he would have discarded the Duke, with whom he was displeased for several Reasons. 1. On account of the Journey to *Spain*, of which he was the sole Adviser, and which made the King liable to the Censure of all *Europe*. 2. By Reason of the Breach of the *Spanish* Match without any just Cause. 3. Because the Duke had drawn him in, as it were against his Will, to break with *Spain*. 4. Because relying on the Prince's Credit, and having, as may be said, the Parliament at his Beck, he had caused the Lord-Treasurer *Middlesex* to be condemned in spite of the King himself, who did all he could to save him, even to the Suing to the Prince and Duke for a Pardon, without being able to obtain it. Thus *James* died in good Season for the Favourite, who could not probably have stood his Ground, but by setting the Prince at Variance with the King his Father, which might have been attended with sad Consequences. This raised against the Duke strong Suspensions, which were farther confirmed by his presuming to apply a Plaster to the King's Side, and giving him a *Potion* to drink with his own Hand, without the Advice of his Physicians. Indeed the Duke could not be accused directly of hastening the King his Benefactor's Death by the Remedies he made him take. But when one considered together the Time and Circumstances of this unexpected Death, caused by a *Tertian* Ague, a Distemper not usually very dangerous in the Spring, the Perplexities it freed the Favourite from, and the Advantages it procured him, one could hardly help suspecting him. And yet on the other Hand, when the new King was seen to have an entire Affection for the Duke, it could not be imagined that he had the least Doubt of his Innocence in that respect. However this be, the Duke of *Buckingham* was the Son's Favourite, as he had been the Father's, with still greater Power and Credit than he had enjoyed in the foregoing Reign.

The Duke
is suspected
of King
James's
Death.

Charles I. when he mounted the Throne formed two Projects equally difficult to be brought about. The First was to wrest from the Emperour and the Duke of *Bavaria*, both the *Palatinates* which had been taken from his Brother-in-law the Elector *Palatine*. The Second, to carry the Regal Authority much higher than the King his Father or any of his Predecessors had done. These two Projects, each whereof, apart by it self, would in all Appearance meet with great Obstacles, became almost impracticable when joined together. Nevertheless *Charles* verily believed they were mutual Supports to each other: That under Colour of the *Palatine-War*, he should manage it so, that the Parliament would not be able to refuse him any Thing: That in Time he should have both Houses at Command, and after rendering himself Independent, should dispose as he pleased of the Riches of the Kingdom, in order to execute the Designs he had formed in Favour of the King of *Bobemia*. As these two Projects are the Subject of the first Fifteen Years of this Reign, to which I shall confine my self at present, it will be necessary to set them in a clear Light, that the Sequel may be the better understood.

1625.
Charles's
Projects
concerning
Arbitrary
Power,
and the
Palatinate.

As to the first, I mean that of wresting the two *Palatinates* out of the Hands of the Emperour and the Duke of *Bavaria*, I think it needless to repeat here what has been said in the Reign of *James I.* It will be sufficient to put the Reader in Mind, that it was by the Intrigues of the Prince and the Duke of *Buckingham*, and by the Duke's wrong Information of what passed in *Spain*, that the Parliament was induced to advise the King to break off the Treaties which were in effect broken off already, and to promise to support the War which this Breach would probably beget. This was the Prince's and the Duke's real Aim in disguising the Truth. Afterwards the Prince, when King, omitted no Opportunity to take Advantage of the Parliament's hasty Advice and Promise, as if the Parliament had really been the sole Author

Concern-
ing the Pa-
latinate.

1625.

of the Breach, and the prime Cause of the War for the Recovery of the *Palatinate*. King *James* was the first Sacrifice of these Artifices. They made him break a Treaty which for seven Years he had been labouring to accomplish. They caused him to lose the Portion he had reason to expect on account of the Prince's Marriage with the *Infanta*. They engaged him, against his Will and Inclination, in a War with the *House of Austria*, and what he looked upon as the greatest Misfortune, they compelled him to have recourse to a Parliament, he that was so dissatisfied with the former ones, that probably he would never have called another had it not been for this Breach. The Duke of *Buckingham* was the second Victim. As soon as the Truth was known, he became the Object of the Publick Hatred, though before his Contrivances were discovered, he had been considered as a Guardian Angel for breaking the intended Match. Finally, the Prince having ascended the Throne, was resolved to support the War which the Parliament had unadvisedly engaged in. But because he found not in the *House of Commons* that Readiness to assist him which he expected, he dissolved several Parliaments merely for that very Reason. This bred in the Minds of his Subjects Jealousies and Discontents, which being inflamed by other Causes, brought him in the End to the greatest Misfortune that can befall a King. Hitherto the Prince's and Duke's real Motive in breaking off the Treaty with *Spain* is unknown. It is not conceived how, after the Loss of the *Palatinate*, they could imagine it would be more easy to recover that Country from the Emperour and Duke of *Bavaria* by Force of Arms, than by managing the King of *Spain's* Friendship, by means of the Marriage which was already concluded. But none can be ignorant of the Use the Prince, now become King, intended to make of this War, advised by the Parliament. His Design was to accustom the *House of Commons*, under Pretence of the urgent Necessity of the War, to supply him in a few

few Days, with the Money he demanded, without going upon any other Business. This will evidently appear in the Sequel. But before I enter upon the Particulars of this second Project, it is necessary to premise some Remarks on this Subject. 1625.

I have shewn in the Reign of *James I*, that this first Monarch of *Great-Britain* laboured, as long as his Monarchy lasted, that is, all the while he was King of *England*, to extend the *Prerogative-Royal*. This he did not only in some Points and on certain Occasions; but by general Principles, which once admitted would by necessary Consequences cloath the Sovereign with an unlimited Authority. All that has been said by the most zealous Sticklers for the absolute Power of Sovereigns, he readily applied to the Kings of *England*, without ever examining whether the Power of a King admitted of Degrees, according to the several Dominions or the Constitution of the Government, whereof he was Head. And yet this was the Point in Question. Otherwise it followed from his Principles, That the *Regal Power* was one and the same every where, and a King of *Poland*, for Instance, ought to be as absolute as a King of *Perfia*. This was in effect what he all along took for granted in the Affair of *Bobemia*, and what hindered him to espouse his Son-in-law's Quarrel. So long as he was satisfied with insinuating such Maxims in certain Passages which he took Care to insert in his publick Speeches, the People, and even the Parliament itself, took no great Notice of them. But when he would have put in Practice the Consequences which might naturally be drawn from thence, he met with strong Opposition, which induced him to dissolve several Parliaments, because they were not so apt as he wished to imbibe his Instructions. This Opposition provoked him. Nay, he began to speak plainer, and assert, That Parliaments owed their Being to the *Royal Concession*, and that this same *Concession* might be revoked when they became unworthy of it, just as a *Charter* granted to a *Cor-*

The Second Project with respect to Arbitrary Power.

1625. *poration* on certain exprefs Terms, might be taken away, in Case the Terms were not complied with. But the Parliament would never allow of such a Principle. It was readily agreed that the King had Power to call, prorogue, and dissolve the Parliament: Nay, that he might forbear summoning it for some Time. But that *England* might, or ought to be governed without Parliaments, if the King thought proper, was what could never be made current, much less that the King could dispense with, or act contrary to the Laws. And yet to this Height would *James I.*, have carried his *Prerogative*, an ambiguous Term, by which he meant an absolute Power, or something very like it. But the *English* for the most Part, understood by that Word, only a Power in the Person of the Sovereign, to command or act in Matters which were not repugnant to the Law, or for which the Law had not provided, and certain *Acts of Grace and Favour* which the King might do for some private Persons, provided these *Acts* were not very detrimental to the Rest of the Nation. This was the constant Occasion of the Quarrels between *James I.*, and the Parliament. It could not be said exactly wherein consisted the King's Prerogatives, and the People's Privileges, because there had never been an exprefs Determination on that Subject. Those Kings, who were reckoned the wisest and most prudent, shunned as Rocks such Sort of Disputes which could only breed Hatred and Animosity between the King and People. On the other Hand, the foregoing Parliaments chose rather to see the Prerogative-Royal stretched sometimes beyond its due Bounds, than debate such difficult Points, which in Case both Sides were obstinate, must have been decided by Arms, since there was no higher Tribunal to appeal to. Besides, since *Richard II.*, whose Attempt cost him his Crown and Life, there had been no King who had endeavoured to carry the *Prerogative-Royal* so far as to claim a Power to act directly contrary to the Law. If there were any who on some Occasions attempted to go beyond Bounds, the Parliaments

liaments were under no Concern, for one of these Three Reasons : 1. Because it was in Matters of small Importance. 2. Because, having a perfect Trust in their Sovereign, they believed he would not make an ill Use of their Compliance. 3. Because they saw the King's Aim and Motive were for the Benefit of his Subjects, or at least were not very prejudicial to them.

But *James I.* was no sooner on the Throne of *England*, but Questions about the Prerogative Royal became frequent and absolutely necessary. That Monarch was continually endeavouring to establish Principles, the Consequences whereof tended to no less than to subvert the Constitution of the Government. I shall relate some that have been already seen in the History of his Reign, but which it is so much the more necessary to repeat here, as *Charles I.* trod exactly in the Steps of the King his Father, and as one cannot have too clear a Notion of them, they being the chief Subject of this Reign.

From the Principle, That the Parliament owed its Being to the Concession of the Kings, and that this Concession might be revoked, it followed of course : That the King might govern without a Parliament, and consequently tax the People as he thought proper, for the Support of the Government. From the Principle, That the King was above the Laws, it necessarily followed, That no Subject could be safe ; their Honour, Fortunes, Liberty and Life itself were at the King's Disposal. From the Principle, That the Parliament had no right to meddle in Affairs about which the King did not ask their Advice, it must have been inferred, That the King was to be suffered to do what he pleased, even Things most destructive to the Nation. From the Principle, That to complain of the Administration, was Want of Respect to the King, it necessarily followed, That the Parliament could take no *Grievances* into Consideration, nor make any Complaints, since *Grievances* are generally Acts of Injustice committed by the King or his

1625.

Ministers. From the Principle, That the Parliament had at most but a Right to represent the *Grievances* to the King, which done, the Redress thereof was patiently to be waited for at the King's Hands, it followed, That the King might plague his Subjects according to his own Fancy, without being obliged to redress their Sufferings but so far only as he thought convenient. From the Principle, That to dispute about the Extent of his Prerogative was wounding the King in the most sensible Part, the Consequence must have been, That the Prerogative was without Bounds, or that it could be limited only by the King's own Wisdom and Goodness. All these Principles, as it is easy to perceive, tended to establish a despotick Power. Had the King been satisfied with granting now and then some Favours, grounded upon some one of these Principles, it might have been thought to be attended with no Consequences. But he was seen, upon all Occasions, to endeavour to instill these Principles into the Minds of his Subjects, and to establish them upon Instances taken here and there, of the Conduct of his Predecessors. He himself was seen to draw from thence, by his Actions, the most extensive Consequences, to fill the Kingdom with *Monopolies*, to compel his Subjects to lend or give him Money, to dissolve the Parliaments for not allowing his Principles, to imprison such *Members* as ventured to speak freely, and even to declare publicly, he would call no more Parliaments. There was then no middle Way: his Pretensions were either to be yielded to or opposed with open Force.

James I., had the good Fortune to die before these Matters were carried any farther. The Breach of the *Spanish Match* served to reconcile the King and Parliament to each other. The King perceived, he should not be able to go on without Parliaments, and the People judged, that as long as the King was engaged in a War with the *House of Austria*, he would be forced to have a Regard for the Liberties of the Nation, and the Privileges of the Parliament. Thus both

both Sides seemed inclined to a Reconciliation, and to forget all Occasions of Complaint. 1625.

James being dead, *Charles I.*, his Son and Successor, who had wonderfully profited by his Instructions, mounted the Throne, possessed with the same Principles I have been speaking of. But as he was young, and as his Passions were strong and lively, he could put no Constraint upon himself, nor think of managing the Affection of the Parliament. He soon discovered by what Maxims he meant to proceed in the Government of his Dominions. He not only refused to redress such *Grievances* as had crept in during the King his Father's Reign; but increased their Number, by adding others more intolerable. He affected to let his Subjects see, not only that he was not moved with their *Grievances*, but that it was an Offence to pray him to redress them. In a Word, he gave to understand very plainly, both by his Speeches and by his Conduct, that he looked upon Parliaments only as Assemblies appointed purely to supply him with Money, and that in Case of Refusal, he might proceed without their Assistance. Accordingly, he dissolved several Parliaments, because they were not speedy enough to grant the Sums he demanded; he offered Violence to several *Members*, and extorted from his Subjects what Money he wanted, either by forced Loans or by Taxes imposed by his own Authority. This ought not to seem strange; since over and above the Lessons he had been taught by the King his Father, he had the same Favourite, the same Ministers, the same Council.

It is my Design to show all these Things clearly and distinctly; not by Reasonings and Consequences, but by undeniable Facts, by authentick *Vouchers* of whatever I shall advance; and lastly, by the King's own Conduct, which his most zealous Friends have no otherways undertaken to justify, than by an affected Silence, or at least, by very slightly passing over the first Fifteen Years of his Reign. My sole Aim in insisting thus largely upon these Matters, is, to enable
the

1625. the Reader the better to understand the true Causes of the War which afterwards afflicted the Kingdom.

James's Funeral. As soon as the deceased King's Funeral was solemnized, *Charles* hastened the sending of Eight Thousand Men to *Plymouth* *, to be put on board a Fleet designed for an Expedition against *Spain*: As he had but little Money in his Coffers, the Charge of *Coast* and *Conduct*-Money was ordered to be disbursed by the Country, and the Country to be repaid out of the *Exchequer* at a more convenient Season. This was done after the Precedent of former Times, though the Custom had now been long disused. These Troops having committed great Disorders in their March, the King granted a Commission for *Martial-Law*, to punish the Offenders *1; this was looked upon as an Innovation, which took from the usual Judges the Cognizance of Crimes committed by the Soldiery, and yet in general it was not much minded.

The King's Marriage. The King's Marriage having been concluded in his Father's Life-time, was solemnized at *Paris* with great Magnificence, on a Theatre erected on purpose before the Church of *Notre-Dame*, the Duke of *Chevreuse* doing the Office of *Proxy* for the King of *England*. Presently after the Duke of *Buckingham* was sent into *France* to conduct the Queen to the King her Spouse. She arrived on the 12th of *June* at *Dover*, where the King met her, and that very Day the Marriage was consummated at *Canterbury* *2. The 16th of the same Month the

* The Author by Mistake says *Portsmouth*. There were Twelve Thousand raised in all.

*1 The Occasion of this Commission was not so much the Disorders of these Troops, as those committed by the Army King *James* sent to *Caen*, under the Command of Count *Mansfeld*. The Remembrance whereof was the Cause of King *Charles*'s appointing now the *Martial-Law* to be in Force. It seems this and the Point of *Coast* and *Conduct*-Money occasioned great Debates among the Judges. *Whitlock*, p. 1.

*2 When she landed, she sent to his Majesty not to come till the Morrow, because she had been indisposed at Sea. So it was not till next Day that the Marriage was consummated. *Rush*, I. p. 170.

the King and Queen made their Entry into *London*, 1625.
 and two Days after the Parliament met. The King 1. *Parliament.*
 made the following Speech to the Two *Houses* at the
 Opening of this his first Parliament.

“ *My LORDS and GENTLEMEN,*

“ **I** Thank God, that the Business to be treated on *The King's*
 “ at this Time is of such a Nature, that it needs *Speech to*
 “ no Eloquence to set it forth ; for I am neither able *his first*
 “ to do it, neither doth it stand with my Nature to *Parliament.*
 “ spend much Time in Words. It is no new Business, *Rush. I.*
 “ being already happily begun by my Father of *blef-*
 “ *sed Memory*, who is with God ; therefore it needeth *P. 171.*
 “ no Narrative : I hope in God you will go on to
 “ maintain it, as freely as you advised my Father to
 “ do it. It is true, he may seem to some to have
 “ been slack to begin so just and so glorious a Work ;
 “ but it was his Wisdom that made him loth to begin
 “ a Work, until he might find a Means to maintain
 “ it : But after that he saw how much he was abused
 “ in the Confidence he had with other States, and was
 “ confirmed by your Advice to run the Course we
 “ are in, with your Engagement to maintain it, I
 “ need not press to prove how willingly he took your
 “ Advice ; for the Preparations that are made, are
 “ better able to declare it, than I to speak it. The
 “ Assistance of those in *Germany*, the Fleet that is
 “ ready for Action, with the rest of the Preparati-
 “ ons, which I have only followed my Father in, do
 “ sufficiently prove, that he entered into this Action.
 “ *My Lords and Gentlemen*, I hope that you do re-
 “ member, that you were pleased to employ me to
 “ advise my Father to break off those two Treaties
 “ that were on Foot ; so that I cannot say, that I
 “ came hither a free unengaged Man. It is true, I
 “ came into this Business willingly and freely, like a
 “ young Man, and consequently rashly ; but it was
 “ by your Interest, your Engagement : So that the
 “ it

1625.

“ it was done like a young Man, yet I cannot repent
 “ me of it, and I think none can blame me for it,
 “ knowing the Love and Fidelity you have born to
 “ your King, having my self likewise some little Ex-
 “ perience of your Affections. I pray you remem-
 “ ber, that this being my first Action, and begun by
 “ your Advice and Entreaty, what a great Disho-
 “ nour it were to you and me, if this Action, so be-
 “ gun, should fail for that Assistance you are able to
 “ give me. Yet knowing the Constancy of your
 “ Love both to me and this Business, I needed not to
 “ have said this, but only to show what Care and
 “ Sense I have of your Honours and mine own. I
 “ must entreat you likewise to consider of the Times
 “ we are in, how that I must adventure your Lives,
 “ (a) (which I should be loth to do) should I con-
 “ tinue you here long ; and you must venture the
 “ Business, if you be slow in your Resolutions.
 “ Wherefore I hope you will take such grave Coun-
 “ sel, as you will expedite what you have in Hand
 “ to do : Which will do me and your selves an infi-
 “ nite deal of Honour ; you, in shewing your Love
 “ to me ; and me, that I may perfect that Work
 “ which my Father hath so happily begun.

“ Last of all, because some malicious Men may,
 “ and, as I hear, have given out, that I am not so
 “ true a Keeper and Maintainer of the true Religion
 “ I profess ; I assure you, that I may with St.
 “ Paul say, that I have been trained up at *Gamaliel's*
 “ Feet : And although I shall never be so arrogant
 “ as to assume unto my self the Rest, I shall so far
 “ shew the End of it, that all the World may see,
 “ that none hath been, nor ever shall be more desi-
 “ ous to maintain the Religion I profess, than I shall
 “ be.

“ Now because I am unfit for much speaking, I
 “ mean to bring up the Fashion of my Predecessors,
 “ to have my Lord *Keeper* speak for me in most
 “ Things : Therefore I have commanded him to speak
 “ something

(a) By Reason of the Plague.

“ something unto you at this Time, which is more
 “ for Formality, than any great Matter he hath to
 “ say unto you ”.

Then the Lord Keeper *Coventry* declared, “ That Rush. I. p. 172.
 “ the King’s main Reason of calling the Parliament,
 “ besides the beholding of his Subjects Faces, was to
 “ mind them of the great Engagements for the Re-
 “ covery of the *Palatinate*, imposed on his Majesty
 “ by the late King his Father, and by themselves,
 “ who brake off the two Treaties with *Spain*. Also
 “ to let them understand, That the succeeding Trea-
 “ ties and Alliances, the Armies sent into the *Low-*
 “ *Countries*, the repairing of the Forts, and the for-
 “ tifying of *Ireland*, do all meet in one Centre, the
 “ *Palatinate*; and that the *Subsidies* granted in the last
 “ Parliament are herein already spent, whereof the
 “ Account is ready, together with as much more of
 “ the King’s own Revenue”. His Lordship further
 commended Three Circumstances.

“ First, The *Time*; all *Europe* being at this Day
 “ as the *Pool of Betbesda*, the first stirring of the
 “ Waters most be laid hold on: Wherefore his Ma-
 “ jesty desires them to bestow this Meeting on him,
 “ or rather on their Actions; and the next shall be
 “ theirs, as soon, and as long as they please, for
 “ domestick Business.

“ Secondly, *Supply*; if Subsidies be thought too
 “ long and backward, his Majesty desires to hear,
 “ and not to propound the Way.

“ Thirdly, The *Issue of Action*; which being the
 “ first, doth highly concern his Majesty’s Honour
 “ and Reputation, for which he relies upon their
 “ Loves, with the greatest Confidence that ever King
 “ had in his Subjects; witness his Royal Poesy, *Amor*
 “ *Civium Regis Munimentum*: And he doubts not,
 “ but as soon as he shall be known in *Europe* to be
 “ their King, so soon shall they be known to be a
 “ loving and loyal Nation to him”.

1625.

The Par-
liament
petition the
King a-
gainst Re-
cufants.
The King's
general
Answer.

Though the King affirmed in his Speech, that no Prince was ever more desirous to maintain the Religion he professed, the Parliament does not seem to have been fully satisfied of it, since, at the very first, both Houses joined in presenting to him a *Petition* against *Recusants*. The King returned a very gracious Answer, saying, He was very glad to see their Zeal for Religion, and was ready to concur with them in whatever they should propose on that Score. He deferred however answering each particular Article of the *Petition*, till he had examined it.

Montague
is cited on
Account of
his Book.

Mr. Richard Montague a Clergyman had lately printed a Book, entitled, *An Appeal to Cæsar*, wherein were several Propositions tending to the Disturbance of Church and State *. It was complained of to the Commons, who bringing the Author to the Bar of their House, and examining him, thought proper to refer him to the Archbishop of Canterbury. The Archbishop, who was looked upon with no good Eye at Court, because he was suspected to be a Friend to the Puritans, contented himself with exhorting him to write no more upon such Matters. The Proceedings of the Commons displeased the King; for Montague being one of his Chaplains, he pretended the bringing him to the Bar was striking at his Prerogative. He expressed his Displeasure against the Commons, and took Occasion to bring the Cause before the

The King
brings the
Cause be-
fore the
Council.

* Our Author seems here to confound two distinct Things. Montague (in 21 Jac.) published a Book, which he called *A new Gag for an old Goose*, being an Answer to a *Papish* Book entitled, *A Gag for the new Gospel*; and for this Book it was that he was questioned by the Parliament, and committed to the Archbishop, who dismissed him with an Admonition. Afterwards the Bishops of the Arminian Party consulting the Propagation of the five Articles condemned at the Synod of Dort, concluded that Montague should publish his *Appeal to Cæsar* at first attested by their joint Authorities, which they afterwards withdrew by Subtilty. However, the Book was printed and dedicated to King Charles. The House appointed a Committee to examine the Errours therein, and thanked the Archbishop for his Admonition formerly to the Author, and voted his Books to be contrary to the Articles established by the Parliament, and took Bond for his Appearance. *Rush.* l. p. 173.

the Council. Every Body suspected that as *Montague's* Book contained an *Arminian* Doctrine, *Laud* Bishop of *St. David's* * the King's most intimate Counsellor for Religious Affairs, had brought this about in order to stop the Prosecution. *Laud* was accounted by many as the Head Protector of the *Arminians*, who were grown pretty numerous in the Kingdom. He had found Means to get into *Buckingham's* Favour, and by that into the Kings, who readily followed his Councils in Matters relating to Religion.

Laud reckoned the Head of the *Arminians*.

The Displeasure the King had expressed against the *Commons*, hindered not the *House* from granting him two *Subsidies*. The King accepted them graciously; but withal gave to understand that Supply was far short of what was necessary for the War the Parliament had advised the King his Father to. The *Act* for the two *Subsidies* was no sooner passed, but the King adjourned the Parliament to *Oxford*, to meet again the first of *August* following, by Reason of the Plague which raged very much in *London*.

The *Commons* grant two *Subsidies*.

King *James*, a little before his Death, promised to lend the King of *France* five or six Ships to be employed against the *Genoese*. At least they were borrowed on that Pretence. But afterwards *Lewis XIII* wanting these Ships for the Siege of *Rochel*, prevailed with *Charles I*, by means of the Duke of *Buckingham*, that he might employ them where he pleased, and accordingly they were sent to *Dieppe*, under the Command of Vice-Admiral *Pennington* *. The Masters or Commanders of these Ships coming to know they were to go against *Rochel*, weighed Anchor and sailed back to *England*. *Pennington* informing the Duke of *Buckingham* of the same, received an express Order confirmed by another from the King himself, to return to *Dieppe* with the Ships, and put them into the

Six Ships lent the French King to serve against *Rochel*. *Rush. I.* p. 114.

* Our Author by Mistake says, *Bash and Wills*, which he was not yet.

*1 The *Vanguard* a large Man of War, with seven other Merchant Ships of great Burthen and Strength. *Rush.*

1625. the Hands of the *French*, which was done accordingly. But the Mariners all deserted, utterly refusing to serve against *Rochel*.

Com-
plaints a-
gainst
Bucking-
ham.

and the Bi-
shop, Neile
and Laud.

This Affair made a great Noise at *Oxford*, where the Parliament was re-assembled. The Duke of *Buckingham's* ill Conduct in this and other Respects was loudly complained of in the *House of Commons*. It was said, the Money granted by the Parliament to the late King had been misapplied, and put to uses very different from those it was intended for. That the *Seas* were neglected, insomuch that the *Cor-sairs* had done preat Damage to the *Englisch* Merchants. That *Popery* and *Arminianism* were countenanced by a strong Party in the Kingdom. *Neile* Bishop of *Winchester*, and *Laud* Bishop of *St. David's* were chiefly looked upon as the Heads and Protectors of the *Arminians* *: Nay, as Favourers of *Popery*, by Reason

* *Rapin*, as well as most of our Writers, especially those of the *Puritan* Party, seem to confound two Things, which have no manner of Relation to each other, viz. *Arminianism* and *High-Church-Principles*. The *Arminian* Doctrine, which the Synod of *Dort* in their Wisdom thought fit to condemn, was reduced to these five Articles. I. God does not in an Arbitrary manner predestinate any Person to be saved or damned. II. *Christ* died for all Men, that is. All are Partakers of the Benefits of *Christ's* Passion, who sincerely perform the Gospel-Terms of *Faith* and *Repentance*. III. How necessary soever *Grace* may be towards our doing good Actions, yet, IV. It is not irresistible, that is, we are still *Free-Agents*; consequently. V. The faithful may fall away or depart from a State of *Grace*. Now nothing can be more evident than that a Man may embrace all these Opinions without being one jot the more a Friend to *Popery* or *Arbitrary Power*. Wherefore, though the first Assertors of *Arminianism*, happened likewise to be zealous Sticklers for something like a despotick Power in the King, yet is the one no Consequence at all of the other, as Abundance of our Historians would fain insinuate. Doubtless *Laud*, *Neile*, *Monsague*, and the Rest, who were for setting the King above the Laws, would have been of that Mind, whether they had been *Arminians* or not. Even at this Time, the five Articles above, which are now generally received in the *Church of England*, are believed by Thousands, who are not for carrying the Authority of the King or Church beyond its due Bounds. The Reason why *Arminianism* was condemned in the Reigns

reason of their rigid and passionate Zeal for all the *Ceremonies* of the Church of *England*, even for such as seemed the least necessary. This same Zeal appeared to many as mysterious, as uncommon, and caused them to suspect that the two Prelates, under Colour of maintaining Religion, had formed a Project to restore *Popery*. They could not imagine that Men should have so strong an Attachment to Things in themselves of so little Moment, without some hidden Design. Wherefore Mr. *Montague* was summoned to appear again before the *House of Commons* *, and was severely reprimanded. 1625. *Montague censured.*

Mean while, the King seeing that the three or four Days the Parliament had been sitting, were spent in nothing but talking of *Grievances*, without any Mention of the Money he expected would be granted him for supporting the War, sent for both *Houses*, and in *Christ-Church-Hall* spoke to them in the following Manner : *The King sends for the two Houses.*

“ *My Lords, and You of the Commons,*

“ **W**E all remember, that from your Desires and Advice, my Father, now with God, brake off those two Treaties with *Spain* that were then in Hand: Well you then foresaw, that as well for regaining my dispossessed Brother's Inheritance, as home Defence, a War was likely to succeed; and that as your Councils had led my Father into it, so your Assistance in a Parliamentary-way to pursue it, should not be wanting. That Aid you gave him by Advice, was for Succour of his Allies, the Guarding of *Ireland*, and the Home-part, Supply of Munition, preparing and setting forth of his Navy. A Council you thought *The King's Speech to both Houses.*
Aug. 4.
Rush.
Vol. I.
P. 177.

Reigns of James I, and Charles I, was because our Articles and Homilies (in the Points above-mentioned) were generally understood in a Calvinistical Sense.

* According to the Condition of his Bond.

1625. “ of, and appointed for the War, and Treasurers for
 “ issuing of the Monies: And to begin this Work
 “ of your Advice, you gave Three Subsidies, and
 “ as many Fifteens, which with speed were levied,
 “ and by Direction of that Council of War (in which
 “ the Preparation of this Navy was not the least)
 “ disbursed.

“ It pleased God at the Entrance of this Prepara-
 “ tion, (by your Advice begun) to call my Father
 “ to his Mercy, whereby I entered as well to the
 “ Care of your Design, as his Crown. I did not then,
 “ as Princes do of Custom and Formality, reassem-
 “ ble you, but that by your farther Advice and
 “ Aid, I might be able to proceed in that which by
 “ your Counsels my Father was engaged in. Your
 “ Love to me, and Forwardness to further those
 “ Affairs, you expressed by a Grant of two Subsidies
 “ yet ungathered; although I must assure you by
 “ my self and others, upon Credit taken up, and
 “ aforehand disbursed, and as far short, as yet to set
 “ forth that Navy now preparing; as I have lately
 “ the Estimate of those of Care, and who are still
 “ employed about it, whose Particular of all Ex-
 “ pences about this Preparation shall be given you,
 “ when you please to take an Account of it”.

*The Secre-
 taries
 Speech.
 Rush.
 Vol. I.
 p. 178.*

When the King had done speaking, one of the Se-
 cretaries of State began and made a Speech, the Scope
 whereof, like that of the King's, was to demonstrate
 the absolute Necessity the *Commons* were under to
 grant his Majesty a large Sum for the War wherein
 he was engaged. He forgot not to repeat, that the
 War was entered into by his late Majesty at the Suit
 of both *Houses* of Parliament, for this was what the
 King considered as a Reason to which no Reply could
 be made. But as the Parliament began now to be
 better informed how the King and Duke got the for-
 mer Parliament to give that Advice, these two
 Speeches had no great Effect. The *Commons* being
 returned to their *House*, fell to examining *Grievances*,
 and

*The Com-
 mons
 Com-
 plaints
 with re-
 spect to
 Religion.*

and in this Examination divers Complaints were made against the Duke of *Buckingham*. It was complained also, that *Popery* was not only tolerated, but even countenanced, contrary to the King's express Promise: That Pardons were granted to *Recusants*, signed by the Lord *Conway* Secretary of State, who pretended to be authorized by the King, and that these Pardons stopped the Course of Justice, and the Execution of the Laws. Whereupon the King thought himself obliged to return positive Answers to the *Petition* presented to him at *London* by the two *Houses*, to which he had only replied in general. It is absolutely necessary to insert the *Petition* in this Place, with the King's Answers to each Article, that the Reader may the better judge how the King's Promises were performed afterwards.

1625.

PETITION *against* Recusants, with the King's ANSWER to each Article.

“ *Most Gracious Sovereign,*

“ **I** T being infallibly true, that nothing can more
 “ establish the Throne, and assure the Peace and
 “ Prosperity of the People, than the Unity and Sin-
 “ cerity of Religion; We your most humble and
 “ loyal Subjects, the Lords Spiritual and Tempo-
 “ ral, and Commons of this present Parliament as-
 “ sembled, hold our selves bound in Conscience and
 “ Duty to represent the same to your Sacred Majesty,
 “ together with the dangerous Consequences of the
 “ Increase of Popery in this Land, and what we
 “ conceive to be the principal Causes thereof, and
 “ what may be the Remedies.

*Petition of
both Hou-
ses against
Popish Re-
cusants
presented
to the
King at
Westmin-
ster, an-
swered by
him at
Oxford.
Rush.
Vol. I.
p. 181.*

The Dangers appear in these Particulars.

“ 1. In their desperate Ends, being the Subversion
 “ of both the Church and State; and the Restless-
 V O L. X. B 2 “ nefs

1625. “ nefs of their Spirits to attain their Ends, the Doc-
 “ trine of their Teachers and Leaders, perfuading
 “ them that herein they do God good Service.
 “ II. Their evident and ſtrict Dependency upon
 “ ſuch foreign Princes, as no way affect the Good of
 “ your Maſteſty and this State.
 “ III. The Opening a Way of Popularity to the
 “ Ambition of any who ſhall adventure to make
 “ himſelf Head of ſo great a Party.

*The principal Cauſes of the Increate of
 Papiſts.*

- “ I. The Want of the due Execution of the Laws
 “ againſt Jeſuits, Seminary-Prieſts, and Popiſh-Re-
 “ culants; occaſioned partly by the Connivency of
 “ the State, partly by Defects in the Laws them-
 “ ſelves, and partly by the manifold Abufe of Of-
 “ ficers.
 “ II. The Interpoſing of foreign Princes by their
 “ Ambaſſadors and Agents in Favour of them.
 “ III. Their great Concourse to the City, and fre-
 “ quent Conferences and Conventicles there.
 “ IV. The open and uſual Reſort to the Houſes
 “ and Chapels of foreign Ambaſſadors.
 “ V. The Education of their Children in Semina-
 “ ries, and Houſes of their Religion in foreign Parts,
 “ which of late have been greatly multiplied and en-
 “ larged for the Entertainment of the *Engliſh*.
 “ VI. That in ſome Places of your Realm, your
 “ People be not ſufficiently inſtructed in the Know-
 “ ledge of true Religion.
 “ VII. The licentious Printing and Diſperſing of
 “ Popiſh and ſeditious Books.
 “ VIII. The Employment of Men ill-affected in
 “ Religion in Places of Government, who do, ſhall,
 “ or may countenance the Popiſh-Party.

The Remedies against this outrageous and dangerous Disease we conceive to be these ensuing.

“ I. That the Youth of this Realm be carefully
 “ educated by able and religious School-Masters,
 “ and they to be enjoined to catechize and instruct
 “ their Scholars in the Grounds and Principles of
 “ true Religion. And whereas by many Complaints
 “ from divers Parts of the Kingdom, it doth plainly
 “ appear, That sundry *Popish* Scholars, dissembling
 “ their Religion, have craftily crept in, and obtain-
 “ ed the Places of Teaching in divers Counties, and
 “ thereby infected and perverted their Scholars, and
 “ so fitted them to be transported to the *Popish* Se-
 “ minaries beyond the Seas; That therefore there
 “ be great Care in Choice and Admitting of School-
 “ Masters, and that the Ordinaries make diligent En-
 “ quiries of their Demeanours, and proceed to the
 “ Removing of such as shall be faulty, or justly sus-
 “ pected.

His Majesty's A N S W E R.

“ *This is well allowed of; and for the better Perfor-*
 “ *mance of what was desired, Letters shall be written*
 “ *to the two Archbishops, and from them, Letters to go*
 “ *to all the Ordinaries of their severall Provinces to see*
 “ *this done; the severall Ordinaries to give Account of*
 “ *their doings herein to the Archbishops respectively,*
 “ *and they to give an Account to his Majesty of their*
 “ *Proceedings herein.*

“ II. That the antient *Discipline* of the *Universities*
 “ be restored, being the famous Nurseries of Lite-
 “ rature and Virtue.

A N S W E R.

“ *This is approved by his Majesty, and the Chancellor*
 “ *of each University shall be required to cause due Exe-*
 “ *cution of it.*

“ III. That special Care be taken to enlarge the
 “ Word of God throughout all the Parts of your
 “ Majesty’s Dominions, as being the most powerful
 “ Means for planting of true Religion, and rooting
 “ out of the Contrary : To which End, among other
 “ Things, let it please your Majesty to advise your
 “ Bishops, by Fatherly Intreaty, and tender Usage,
 “ to reduce to the peaceable and orderly Service of
 “ the Church, such able Ministers as have been for-
 “ merly silenced, that there may be a profitable Use
 “ of their Ministry in these needful and dangerous
 “ Times; and that *Non-residency, Pluralities, and*
 “ *Commendams*, may be moderated. Where we can-
 “ not forbear most humbly to thank your Majesty
 “ for diminishing the Number of your own Chap-
 “ lains; not doubting of the like Princely Care for
 “ the well-bestowing of the Rest of your Benefices,
 “ both to the Comfort of the People, and the En-
 “ couragement of the Universities, being full of grave
 “ and able Ministers unfurnished of Livings.

A N S W E R.

“ *This his Majesty likes well, so as it be applied to*
 “ *such Ministers as are peaceable, orderly, and conform-*
 “ *able to the Church-Government. For Pluralities and*
 “ *Non-residencies, they are now so moderated, that the*
 “ *Archbishops affirm, there be now no Dispensations for*
 “ *Pluralities granted; nor no Man now is allowed a-*
 “ *bove two Benefices, and those not above thirty Miles*
 “ *distant: And for avoiding Non-residence, the Canon in*
 “ *that Case provided, shall be duly put in Execution,*
 “ *For Commendams, they shall be sparingly granted,*
 “ *only*

“ only in such Case where the Exility and Smallness of
 “ the Bishoprick requireth. Also his Majesty will cause
 “ that the Benefices belonging to him shall be well bestowed.
 “ And for the better propagating of Religion, his Ma-
 “ jesty recommendeth to the Houses of Parliament, that
 “ Care may be taken and Provision made, That every
 “ Parish shall allow a competent Maintenance for an
 “ able Minister; and that the Owners of Parsonages
 “ Improprate would allow to the Vicars, Curates, and
 “ Ministers in Villages and Places belonging to their Par-
 “ sonage, sufficient Stipend and Allowance for Preaching
 “ Ministers.

“ IV. That there may be strict Provision against
 “ transporting of *English* Children to the Seminaries
 “ beyond the Seas, and for the recalling of them who
 “ are already there placed, and for the Punishment
 “ of such of your Subjects as are Maintainers of
 “ those Seminaries, or of the Scholars; considering
 “ that, besides the seducing of your People, great
 “ Sums of Money are yearly expended upon them,
 “ to the Impoverishing of this Kingdom.

A N S W E R.

“ The Law in this Case shall be put in Execution :
 “ And further, there shall be Letters written to the
 “ Lord-Treasurer, and also to the Lord-Admiral, That
 “ all the Ports of this Realm, and the Creeks and Mem-
 “ bers thereof be strictly kept, and strait Searches made
 “ to this end: A Proclamation shall be to recal both
 “ the Children of Noblemen, and the Children of any
 “ other Men, and they to return by a Day; also Main-
 “ tainers of Seminaries of Scholars there, shall be punished
 “ according to Law.

“ V. That no Popish Recusant be permitted to
 “ come within the Court, unless your Majesty be
 “ pleased to call him upon special Occasion, agreea-
 “ ble to the Statute of 3 Jac. And whereas your
 “ Majesty for the preventing of apparent Mischiefs

1625.

“ both to your Majesty and the State, hath in your
 “ Princely Wisdom taken Order, that none of your
 “ natural-born Subjects not professing the true Re-
 “ ligion as by Law established, be admitted into
 “ the Service of your Royal Consort the Queen. We
 “ give your Majesty most humble Thanks, and de-
 “ sire that your Order herein may be observed.

A N S W E R.

“ *If his Majesty shall find, or be informed of any*
 “ *Concourse of Recusants in the Court, the Law shall*
 “ *be strictly followed: And his Majesty is pleased that*
 “ *by Proclamation the British and Irish Subjects shall be*
 “ *put in the same Case. And as his Majesty hath pro-*
 “ *vided in his Treaty with France, so his purpose is to*
 “ *keep it, That none of his Subjects shall be admitted*
 “ *into his Service, or into the Service of his Royal Con-*
 “ *sult the Queen, that are Popish Recusants.*

“ VI. That all the Laws now standing in force a-
 “ gainst Jesuits, Seminary Priests, and others hav-
 “ ing taken Orders by Authority derived from the
 “ See of Rome, be put in due Execution. And to
 “ the Intent they may not pretend to be surprized,
 “ that a speedy and certain Day be prefixed by
 “ your Majesty's Proclamation for their Departure
 “ out of this Realm, and all other your Dominions,
 “ and not to return upon the severest Penalties
 “ of the Laws now in force against them ; And that
 “ all your Majesty's Subjects may be thereby ad-
 “ monished not to receive, comfort, entertain, or
 “ conceal any of them, upon the Penalties which
 “ may be lawfully inflicted: And that all such Pa-
 “ pists, Jesuits, and Recusants, who are and shall
 “ be imprisoned for Recusancy, or any other Cause,
 “ may be so strictly restrained, as that none shall
 “ have Conference with them, thereby to avoid the
 “ Contagion of their corrupt Religion : And that
 “ no Man that shall be suspected of Popery, be
 “ suffer.

“ suffered to be a Keeper of any of his Majesty’s
 “ Prisons, 1625.

A N S W E R.

“ *The Law in this Case shall be put in Execution, and*
 “ *a Proclamation shall be to the Effect desired ; And*
 “ *such Restraint shall be made, as is desired, and no*
 “ *Man that is justly suspected of Popery, shall be suffered*
 “ *to be a Keeper of any of his Majesty’s Prisons.*

“ VII. That your Majesty be pleased to take such
 “ Order as to your Princely Wisdom shall be expe-
 “ dient, That no natural born Subject, or strange
 “ Bishops, nor any other, by Authority from the See
 “ of Rome, confer any Ecclesiastical Orders to ex-
 “ ercise any Ecclesiastical Function whatsoever, to-
 “ ward or upon your Majesty’s natural Subjects with-
 “ in your Dominions.

A N S W E R.

“ *This is fit to be ordered according as is provided,*
 “ *and it shall be so published by Proclamation.*

“ VIII. That your Majesty’s learned Council may
 “ receive Order and Commandment to consider of
 “ all former Grants of *Recusants* Lands, that such of
 “ them may be voided as are made to the *Recusants*
 “ Use or Interest out of which the *Recusant* receiveth
 “ any Benefit, which are either void, or voidable by
 “ the Law.

A N S W E R.

“ *The King will give Order to his learned Council to*
 “ *consider of the Grants, and will do according as is de-*
 “ *sired.*

“ IX. That your Majesty will be likewise pleased
 “ strictly to command all your Judges and Ministers
 “ of

1625.

“ of Justice Ecclesiastical and Temporal, to see the
 “ Laws of this Realm against Popish *Recusants*, to be
 “ duly executed ; And namely, That the Censure of
 “ Excommunication be declared and certified against
 “ them ; and that they be not absolved upon pub-
 “ lick Satisfaction by yielding to Conformity.

A N S W E R.

“ *His Majesty leaves the Laws to their Course, and*
 “ *will order in the Point of Excommunication as is de-*
 “ *sired.*

“ X. That your Majesty will be pleased to remove
 “ from Places of Authority and Government all such
 “ Persons as are either Popish *Recusants*, or accord-
 “ ing to Direction of former Acts of State, to be
 “ justly suspected.

A N S W E R.

“ *This his Majesty thinks fit, and will give order*
 “ *for it.*

“ XI. That present Order be taken for disarming
 “ all Popish *Recusants*, legally convicted, or justly
 “ suspected, according to the Laws in that behalf,
 “ and the Orders taken by his late Majesty's Privy-
 “ Council upon Reason of State.

A N S W E R.

“ *The Laws and Acts in this Case shall be followed,*
 “ *and put in due Execution.*

“ XII. That your Majesty be also pleased, in Re-
 “ spect to the great Resort of *Recusants* to and a-
 “ bout *London*, to command forthwith upon Pain of
 “ your Indignation, and severe Execution of the
 “ Laws, that they retire themselves to their several
 “ Countries,

“ Countries, there to remain confined within five
“ Miles of their Places. 1625.

A N S W E R.

“ *For this the Laws in force shall be forthwith exe-*
“ *cuted.*

“ XIII. And whereas your Majesty hath strictly
“ commanded and taken order, that none of your
“ natural-born Subjects repair to the hearing of
“ Masses, or other superstitious Service at the Cha-
“ pels or Houses of Foreign Ambassadors, or in any
“ other Places whatsoever ; we give your Majesty
“ most humble Thanks, and desire that your Order
“ and Commandment therein may be continued and
“ observed, and that the Offenders herein may be
“ punished according to the Laws.

A N S W E R.

“ *The King gives Assent thereto, and will see that ob-*
“ *served which herein hath been commanded by him.*

“ XIV. That all such Insolencies, as any that are
“ Popishly affected have lately committed, or shall
“ hereafter commit, to the dishonour of our Religi-
“ on, or to the Wrong of the true Professors thereof,
“ be exemplarily punished.

A N S W E R.

“ *This shall be done as is desired.*

“ XV. That the Statute of 1 Eliz. for the Pay-
“ ment of Twelve-pence every Sunday, by such as
“ shall be absent from Divine Service in the Church,
“ without a lawful Excuse, may be put in due Ex-
“ ecution, the rather, for that the Penalty by Law
“ is given to the Poor, and therefore not to be dis-
“ pensed withal.

“ A N.

A N S W E R.

“ *It is fit that this Statute be executed; and the Penalties shall not be dispensed withal.*

“ XVI. Lastly, That your Majesty will be pleased to extend your Princely Care also over the Kingdom of *Ireland*, that the like Courses may be there taken for the restoring and establishing of true Religion.

A N S W E R.

“ *His Majesty's Cares are, and shall be extended over the Kingdom of Ireland; and he will do all that a Religious King should do for the restoring and establishing true Religion there.*

“ And thus (most gracious Sovereign) according to our Duty and Zeal to God and Religion, to your Majesty and your Safety, to the Church and Commonwealth, and their Peace and Prosperity, we have made a faithful Declaration of the present Estate, the Causes and Remedies of this encreasing Disease of Popery; humbly offering the same to your Princely Care and Wisdom. The Answer of your Majesty's Father, our late Sovereign of famous Memory upon the like Petition, did give us great Comfort of Reformation; but your Majesty's most gracious Promises made in that kind, do give us Confidence and Assurance of the continual Performance thereof. In which Comfort and Confidence reposing ourselves, we most humbly pray for your Majesty's long Continuance in all Princely Felicity”.

*The King's
Promises
all executed.
sed.*

These gracious Answers of the King to the several Articles of the *Petition* of both Houses wanted nothing but the Performance of his Promises. But if we may

may judge by the continual Complaints of the Parliaments throughout this whole Reign, about these same Points, on which the King seems to have given entire Satisfaction, we shall easily see that King *Charles's* Promises were no better performed than the King his Father's. The King expected that his Answers to the *Petition* would gain him the Love of the *Commons*. But these Answers, though so gracious and positive, could not engage them to do what he desired, that is, to lay aside all other Business, and think only of granting him Money. He was engaged in a War, to which he pretended the Parliament had induced his late Majesty, from whence he inferred, it was exceeding wrong not to enable him speedily to support it. This was true in one Sense. The Parliament had advised King *James* to break off the Treaties with *Spain*, and promised to assist him in Case the Breach should occasion a War, as it was very likely. But then it was now no longer a Secret in *England*, that the former Parliament was moved to give such Advice to the King, by the Duke of *Buckingham's* Narrative, a Narrative false in every Particular, though attested by the late King and the Prince. So the former Parliament's Advice being built on a wrong Foundation, and having, as I may say, been extorted by mere Artifice, the present Parliament did not think themselves obliged to perform very punctually a Promise, which the Court had obtained rather by cunning, than by fairly stating the Case. Nevertheless this Promise still subsisted, and if the *Commons* had been willing to let the Publick see they were not obliged to keep it, they would not have been able to do it without grievously affronting the King, by the Discovery of the Artifices he had used to procure it. They were desirous to avoid coming to this Extremity. And therefore, letting the Promise subsist without making any unkind Reflection on the King, their Aim was to excuse themselves from granting him fresh Supplies for a War rashly taken in Hand, without any Likelihood of Success.

At

*Occasion
of the
King's
Complaint
against the
Commons.*

*Reasons
for the
Commons.*

1625. At least, if they should be forced to give any more Sums, rather than enter into a Debate concerning the Causes of the Kingdom's being engaged in this War, they intended the King should purchase them in some Measure, with the Redress of the *Grievances* the Nation groaned under. Wherefore instead of beginning with the Money-Bill, as the King desired, they fell to examining and even inquiring into the *Grievances* of the People, and the State of Religion. In this Examination, the Duke of *Buckingham* and the Rest of the Ministers were not spared.

The King resolves to dissolve the Parliament.

The King, seeing how Matters were like to go in the *House of Commons*, was extremely offended : First, because by their Slowness they broke all the Measures he had taken for the present Campaign. Secondly, he accounted it an Affront, and a manifest Contempt of his Person, to presume openly to attack his Favourite and Ministers, or rather himself in their Name. So perceiving no Likelihood of speedily obtaining the Money he demanded, which was the sole End of calling the Parliament, he determined to dissolve it. The *Commons* having some notice of it, made haste and drew up the following Declaration, in order to throw the Blame of this Dissolution on the King, for fear he should himself lay the Fault on them, under Colour that they were not very ready to keep their Word.

The Commons draw up a Declaration,

The COMMONS DECLARATION.

Rush. I.
p. 190.

“ **WE** the *Knights, Citizens, and Burgeſſes*, of the
 “ *Commons House* of Parliament, being the
 “ Representative Body of the whole *Commons* of this
 “ Realm, abundantly comforted in his Majesty's late
 “ gracious Answer touching Religion, and his Mes-
 “ ſage for the Care of our Health, do ſolemnly pro-
 “ teſt and vow before God and the World, with one
 “ Heart and Voice, that we are all reſolved, and do
 “ hereby declare, that we will ever continue moſt
 “ loyal and obedient Subjects to our moſt gracious
 “ Sovereign

“ Sovereign Lord King *Charles* ; and that we will
 “ be ready, in convenient Time, and in a Parliamen-
 “ tary Way, freely and dutifully to do our utmost
 “ Endeavours to discover and reform the Abuses and
 “ Grievances of the Realm and State, and in like
 “ sort to afford all necessary Supply to his most ex-
 “ cellent Majesty, upon his present, and all other
 “ his just Occasions and Designs; most humbly be-
 “ seeching our said dear and dread Sovereign, in his
 “ princely Wisdom and Goodness, to rest assured of
 “ the true and hearty Affections of his poor *Com-*
 “ *mons*, and to Esteem the same to be (as we con-
 “ ceive it is indeed) the greatest worldly Reputation
 “ and Security that a just King can have ; and to ac-
 “ count all such as Slanderers of the People’s Affec-
 “ tions, and Enemies to the Commonwealth, that
 “ shall dare to say the contrary.”

It is very visible, that the *Commons* Aim in this Declaration was to let the People see, that it was not their Intent to deny the King Money for his just Wants : but that they thought they had a Right to demand first the Redress of *Grievances*, as a Condition, though they avoided calling it so. This is the Method constantly observed by the Parliaments on the like Occasions, and which is so necessary, that without it they would never be able to be sure of getting the People any Satisfaction, with Respect to their *Grievances*. The Truth is, *Grievances* being properly Acts of Injustice and Breaches of the Laws committed by the King or his Ministers, the Desire of obtaining Money from the Parliament is commonly the only Thing that prevails with the Court to give over the Wrongs they do the People. Of this there are frequent Instances in the History of *England*. But *James I.*, and *Charles I.*, took a different Course from that of their Predecessors. They chose to dissolve the Parliaments, rather than yield to Redress their *Grievances*. This gave Occasion to ascribe to them a formal Design to free themselves from the Yoke of the
 4 Parliaments,

1625. Parliaments, or confine the Use of them to the giving the King Money, and assessing the People. They could not understand, that what flowed from the Royal Authority should be counted a *Grievance*. This first Parliament then was dissolved for this very Reason on the 1st of *August*, not having sat to do Business above Three Weeks both at *Westminster* and *Oxford*. The King pretended to dissolve it on account of the Spreading of the Plague, but the true Reason was, because he found not in the *Houses* a Compliance and Disposition fit for his purpose.

The Parliament is dissolved.

Negotiation at the Hague for a League against Spain.

The Dissolution of the Parliament hindered not the King from pursuing his Design of continuing, or rather of Beginning the War with *Spain*. For though the late King had taken some Steps towards a War, there had been however no Action since the Breach of the Treaty. The sending of Count *Mansfeldt* into the *Low-Countries* in order to march into the *Palatinate*, was almost the only Thing that could be reckoned as a Sort of Declaration against *Spain*, though this Project had miscarried. *Charles* resolving then to undertake this War, of which he was the principal Author and Promoter, sent the Duke of *Buckingham* and the Earl of *Holland* to the *Hague*, to negotiate a League with the *United-Provinces*. In the mean Time, a Fleet was fitting out in *England* to act against *Spain*. But as he wanted Money, he found no speedier or better Method to raise the Sums he had Occasion for, than by borrowing of such Persons as were best able to lend, to whom he directed Letters under his Privy-Seal, requiring by way of Loan such Sums as each was taxed at *. This was the first Effect of the

Dissolu-

The King fits out a Fleet. Extorted Loans. Rush. I. p. 192.

* The Method was thus : First, the King wrote to the Lord-Lieutenant of the Counties, to send him in the Names of such Persons as were of Ability to furnish him with Money, and what Sums they thought they could spare. Then the Comptroller of the King's Household, by the Council's Orders, issued forth Letters in the King's Name, under the Privy-Seal, to the several Persons returned for the Loan of Money, in form as follows : *Trusty and well-beloved, &c. Having observed in the Customs of former*

Dissolution of the Parliament These kinds of forced Loans which were practised by some Kings of *England*, have all along been considered as great *Grievances*, and as tending to render Parliaments useless. We shall see hereafter that the next Parliament did not suffer this to pass uncomplained of. However, to soften Peoples Minds, and move them to lend their Money the more freely, a Proclamation was issued out to call home all such Children as were now breeding up in foreign Countries, as well as all the *English*, *Scots* and *Irish*, who were in the Service of the *House of Austria*. On the other Hand, the Privy-Council issued out Warrants to disarm *Recusants*. I do not know whether these Warrants were strictly executed: but it is certain however, that afterwards the *House of Commons* frequently required the Disarming of the *Papists*.

*Recusants
disarm'd.
Rush. I.
p. 194.*

The Fleet designed against *Spain* was not ready to put to Sea till the Beginning of *October*, under the Command of *Edward Cecil*, lately made *Viscount Wimbleton**, who had the Earl of *Essex* for Vice-Admiral. The Fleet consisted of Eighty Sail, with Ten Regiments on board. The Intent of this Expe-

*Fleet sent
against
Spain.
Rush. I.
p. 196.*

former Times, that all the Kings of this Realm, upon extraordinary Occasions, have used either to resort to those Contributions which arise from the Generality of Subjects, or to private Helps of some well-affected in particular by way of Loan — As we are enforced to proceed in the latter Course — we doubt not but we shall receive such a Testimony of your good Affection from you, and that with such Alacrity, as may make the same so much more acceptable, especially seeing we require but that Sum which few Men would deny a Friend. — The Sum we require of you by these Presents is — which we promise in the Name of Us, our Heirs, &c. to repay to you or your Assigns within Eighteen Months after Payment thereof, &c.

Pursuant to this Privy-Seal, the Moneys required were generally according to this Proportion following, viz. for the *West-Riding* of *Yorkshire*, Sir *Thomas Wentworth*, 20 l. Sir *John Jackson*, 20 l. Sir *Edward Osborn*, 30 l. *Godfrey Copley Esq*; 15 l. *George Westby Esq*; 10 l. Sir *Henry Savil*, 30 l. Sir *John Savil* 15 l. *Ursula Wentworth*, 10 l. &c. *Rush. I. p. 193.*

* Third Son of the Earl of *Exeter*.

1625.

dition was to go and wait in some convenient Place for the *Spanish* Plate-Fleet which was to come from the *Indies* in *November*. As the *Admiral* had time enough, he might have attacked a good Number of Ships in the Bay of *Cadiz*; but the Difficulty of the Enterprize, or some other Reason, caused him to neglect this Advantage. He contented himself with sending Sir *John Burroughs* on shore with some Troops, who meeting no Opposition, only plundered some Villages, and glutted themselves with Wine, which did them more hurt than they did the Enemy. Whereupon they were forced to be embarked again with all speed. After which, the Contagion spreading among the Troops, the Fleet returned to *England* in *November*, without the King's reaping any Benefit from this Armament, which had been very chargeable to him. This ill Success did great Injury to the King, as well as to the Duke of *Buckingham*, who was looked upon as the Contriver and Director of the Court-Projects.

Returns
without
doing any
thing.

A new
Parlia-
ment
called.

The King finding himself without Money, and consequently unable to carry on the War, resolved at length to call a new Parliament. But to avoid the Inconveniencies of seeing in the *House* such Members as had opposed him most, and exclaimed the loudest against the Duke in the late Parliament, the Court bethought themselves of this Stratagem. All these Persons were made *Sheriffs*, and so could not be chosen Members of Parliament. Sir *Edward Coke* was of this Number: but however, he and some others were chosen, preferring the Service they owed their Country in Parliament to that which they could render it as *Sheriffs* *. The Parliament then was summoned to meet

* These Three Persons chiefly aimed at were, Sir *Edward Coke*, Sir *Robert Philips*, and Sir *Thomas Wentworth*, made *Sheriffs* of *Bucks*, *Homeset* and *Yorkshire*. I do not find they were chosen Members of Parliament. Sir *Edward Coke* taking Exceptions against the *Sheriff's* Oath, these Words were ever after left out: *You shall do all your Pain and Diligence to destroy and make to cease all manner of*

met on the 4th of February 1625, and some Days before the King was crowned by William Laud Bishop of Bath and Wells, who was the King's Favourite Bishop, John Archbishop of Canterbury being then in Disgrace. Before the Coronation, the King ordered by Proclamation all such as had Forty Pounds a Year or more, and were not yet Knights, to come and receive the Order of Knighthood. This was accounted as a new Grievance, of which I shall speak hereafter. It suffices to say at present, that when this Custom was authorized by an Act of Parliament, with regard to such as had Twenty Pounds a Year in Land, Twenty Pounds then were equal to Three Hundred at the Time I am speaking of. But the King thought he did his Subjects a Favour, in including such only in his Order as had Forty Pounds a Year.

Order to receive Knighthood.

The Coronation was performed with the usual Ceremonies. But when all was over, the King being seated on his Throne ready to receive the Homages of the Lords, Laud came up to him, and read an extraordinary Passage, the like of which is not to be found in former Coronations. It contained these Words:

1625.6.
The King's Coronation

1625.6.
The King's Coronation

“ Stand and hold fast from henceforth the Place to which you have been Heir by the Succession of your Forefathers, being now delivered to you by the Autho-
Ruth. 1. p. 201.

of Heresies and Errours, commonly called Lollardies, within your Realm, with from time to time; and assist all Ordinaries and Commissioners of the Holy Church; and favour and maintain them as often as you shall be required. Ruth. 1. p. 198.

* The Oath was administered, and the King anointed and crowned as usual, by the Archbishop of Canterbury. Laud officiated only as Dean of Westminster, Bishop Williams being out of Favour. The Abbots of Westminster, it seems, had formerly, and afterwards the Deans, a considerable Share in the Solemnities of the Coronation. They had among other Things the Custody of the old Regalia; that is, the Crown, the Sword, the Sceptre, the Spurs, &c. of King Edward the Confessor. These Things it was the Dean's Business to prepare and set in order. Laud finding an old Crucifix among the Regalia, took care to place it upon the Altar.

1625-6. “ rity of Almighty God, and by the Hands of us, and
 “ all the Bishops and Servants of God: And as you see
 “ the Clergy to come nearer to the Altar than others, so
 “ remember that (in all places convenient) you give
 “ them greater Honour, that the Mediator of God and
 “ Man may establish you in the kingly Throne to be a
 “ Mediator betwixt the Clergy and the Laity; and that
 “ you may reign for ever with Jesus Christ, the King of
 “ Kings, and Lord of Lords”.

The Parliament being assembled on the 8th of February, the Lord-Keeper Coventry spoke thus to both Houses in the King's Name.

My LORDS, and you the Knights, Citizens and Burgeſſes of the Houſe of COMMONS.

The Lord-Keeper Coventry's Speech. Ruſh. I. p. 102. “ **Y**OU are here assembled by his Majesty's
 “ Writs and Royal Authority to hold a new
 “ Parliament, the general, antient and powerful
 “ Council of this renowned Kingdom; whereof if
 “ we consider aright, and think of that incompara-
 “ ble Distance between the supreme Height and Ma-
 “ jesty of a mighty Monarch, and the submissive
 “ Awe and Lowliness of a loyal Subject, we cannot
 “ but receive exceeding Comfort and Contentment
 “ in the Frame and Constitution of this highest Court;
 “ wherein not only the Prelates, Nobles and Gran-
 “ dees, but the Commons of all Degrees have their
 “ part, and wherein that high Majesty doth descend
 “ to admit, or rather to invite the humblest of his
 “ Subjects to Conference and Council with him, of
 “ the great, weighty and difficult Affairs of the King
 “ and Kingdom: a Benefit and Favour whereof we
 “ cannot be too sensible and thankful; for sure I am,
 “ that all good Hearts would be both sensible and
 “ sorrowful, if we did want it; and therefore it be-
 “ hoveth

"hoveth all with united Hearts and Minds, free
 "from Distraction and Diversion, to fix their
 "Thoughts upon Counsels and Consultations wor-
 "thy of such an Assembly, remembring, That
 "in it is presented the Majesty and Greatness, the
 "Authority and Power, the Wisdom and Know-
 "ledge of this great and famous Nation; and it be-
 "hoveth us to magnify and bless God, that hath
 "put the Power of assembling Parliaments in the
 "Hands of him, the Virtue of whose Person doth
 "strive with the Greatness of Princely Lineage and
 "Descent, whether he should be accounted *Major*
 "or *Melior*, a greater King, or a better Man; and
 "of whom you have had so much Tryal and Ex-
 "perience, That he doth as affectionately love, as
 "he doth exactly know and understand the true Use
 "of Parliaments; witness his daily and unwearied
 "Access to this House, before his Access to the
 "Crown; his gracious Readiness to all Conferences
 "of Importance; his frequent and effectual Inter-
 "cession to his blessed Father of never-dying Memo-
 "ry, for the Good of the Kingdom with so happy
 "Success, that both this and future Generations
 "shall feel it, and have cause to rejoice at the Suc-
 "cess of his Majesty's Intercession. And when the
 "Royal Diadem descended upon himself, presently
 "in the Midst of his Tears and Sighs for the Depar-
 "ture of his most Dear and Royal Father, in the
 "very first Consultation with his Privy-Council, he
 "was resolved to meet his People in Parliament: And
 "no sooner did the heavy Hand of that destroying
 "Angel forbear those deadly Stroaks, which for
 "some time did make this Place inaccessible, but his
 "Majesty presently resolved to recal it, and hath
 "now brought you together, and in a happy Time
 "I trust, to treat and consult with uniform Desires
 "and united Affections, of those Things that con-
 "cern the general Good.

“ And now being thus assembled, his Majesty
 “ hath commanded me to let you know, that his
 “ Love and Affection to the Publick, moved him
 “ to call this Parliament; and looking into the Dan-
 “ ger, and the Spreading of that late Mortality, and
 “ weighing the Multitude of his Majesty’s pressing
 “ Occasions and urging Affairs of State, both at
 “ Home and Abroad, much importing the Safety and
 “ State of this Kingdom; the same Affection that
 “ moved him to call it, doth forbid him to prolong
 “ the Sitting of this Parliament: And therefore his
 “ Majesty resolving to confine this Meeting to a
 “ short Time, hath confined me to a short Errand;
 “ and that is, That as a Thing most agreeable to
 “ the Kingly Office, to the Example of the best
 “ Times, and to the Frame of Modern Affairs, his
 “ Majesty hath called you together to consult and
 “ to advise of provident and good Laws, profitable
 “ for the Publick, and fitted for the present Times
 “ and Actions; for upon such depends the Assurance
 “ of Religion and of Justice, which are the surest
 “ Pillars and Buttresses of good Government in a
 “ Kingdom: For his Majesty doth consider, that
 “ the Royal Throne on which God out of his Mercy
 “ to us hath set him, is the Fountain of all Justice,
 “ and that good Laws are the Streams and Rills by
 “ which the Benefit and Use of this Fountain is dis-
 “ persed to his People; and it is his Majesty’s Care
 “ and Study, that his People may see with Comfort
 “ and Joy of Heart, that this Fountain is not dry,
 “ but they and their Posterity may rest assured and
 “ confident in his Time, to receive as ample Benefit
 “ from this Fountain, by his Majesty’s Mercy and
 “ Justice as ever Subjects did in the Time of the most
 “ eminent Princes amongst his noble Progenitors;
 “ wherein as his Majesty shews himself most sensible
 “ of the Good of the Publick, so were it an Injury
 “ to this great and honourable Assembly if it should
 “ be but doubted, that they shall not be as sensible
 “ of any thing that may add to his Majesty’s Ho-
 “ nour;

" now; which cannot but receive a high Degree
 " of Love and Affection, if his Majesty succeeding
 " so many religious, wise and renowned Princes,
 " should begin his Reign with some Additions unto
 " those good Laws which their happy and glorious
 " Times have afforded. And this his Majesty hath
 " caused me to desire at this time, especially above
 " others; for his Majesty having at his Royal Co-
 " ronation lately solemnized the Sacred Rites of
 " that blessed Marriage between his People and him;
 " and therein by a most Holy Oath vowed the Pro-
 " tection of the Laws, and Maintenance of Peace,
 " both to Church and People, no time can be so fit
 " for his Majesty to advise and consult at large with
 " his People, as at this present Time, wherein so
 " lately his Majesty hath vowed Protection to his
 " People, and they have protested their Allegiance
 " and Service to him.

" This is the Sum of that Charge which I have
 " received from his Majesty to deliver unto you;
 " wherein you see his Majesty's Intent to the Pub-
 " lick: And therefore his Desire is, That according
 " to that Conveniency of Time which his Affairs may
 " afford, you may apply your selves to dispatch the
 " Business of this Parliament".

Though it did not appear in this Speech, that the
 King had any design to ask a Supply of the *Commons*,
 nevertheless that was the real Motive of calling the
 Parliament, as plainly appeared afterwards. But
 the *Commons* did not think they were bound to guess
 the King's Intention, or prevent his asking. So af-
 ter chusing their Speaker, the first thing they did
 was to thank his Majesty for his gracious Answer to
 the *Petition* against *Recusants* presented to him at Ox-
 ford. Then they spent some Days in examining the
 publick *Grievances*, amongst which were reckoned
 the Miscarriage of the Fleet to Cadiz, evil Coun-
 sellors about the King, and the Misemployment of
 the three *Subsidies*, and three *Pfennings* granted to the

*The King
 is thanked
 for his An-
 swer to the
 Petition
 against
 Recusants.*

*The Com-
 mons exa-
 mine
 Grievan-
 ces,*

1625-6.
Com-
mittees
appointed.

Monta-
gue's Books
called in
Question.
Rush.
Vol. I.
p. 209.

late King for the Recovery of the *Palatinate*. To examine the *Grievances* with the greater Order and Clearness, Committees were appointed, one for foreign Affairs, another for Grievances, and another for Religion. This last, whereof Mr. Pym was Chairman, called in question again the two Books composed by Dr. Richard Montague, entitled, *An Answer to the late Gagg of Protestants*, and *An Appeal to Caesar*, and reported to the House the false, erroneous, *Papistical*, *Arminian* Opinions found therein, repugnant to the Articles of the Church of England. For Instance, he affirmed in *The Answer to the Gagg*; That the Church of Rome hath ever remained firm upon the same Foundation of Sacraments and Doctrines instituted by God. That the controverted Points [between the Church of England and the Church of Rome] are of a lesser and inferiour Nature, of which a Man may be ignorant without any danger of his Soul at all. That Images may be used for the Instruction of the Ignorant, and Excitation of Devotion. That there are titular Saints as well as Angels *. That Men justified may fall away and depart from the State of Grace *¹, and some other *Arminian* Tenets.

The King's
Letter to
the Judges
to proceed
against
Recusants.
Rush.
Vol. I.
p. 212.

The King, seeing the Commons bent upon the Examination of Religious Matters, ordered his Attorney-General to acquaint the Judges [of the Circuits] that it was his Pleasure they should proceed with Rigour against *Recusants*. He had promised this six Months before, in his Answer to the former Parliament's *Petition*: But in all Appearance, this Article had been neglected, whether through the Fault of the Court, or of those who were commissioned to execute the Orders. It is certain, that during this Reign, such kind of Orders were never punctually executed.

The

* This was in another Book of Montague's, entitled, *A Treatise concerning the Invocation of Saints*. Rush. I, p. 210.

*¹ This is in his *Appeal to Caesar*.

The King had demanded a Supply of Money to carry on the War: But the Commons were in no haste to grant him one. On the contrary, they proceeded in the Examination of Grievances, and among others took into Consideration certain Reprisals made upon *France*, with too much Precipitation, to the great Damage of the *English* Merchants *. The Council of War also appointed by the Parliament to manage the three *Subsidies* granted to King *James*, were called upon to give an Account of their Conduct.

1625-6.
The Commons neglected the King's Affairs, and mind only Grievances.

The King very uneasy under these Delays, pressed the Commons to consider of the Supply he stood in need of. The Lords also used some Endeavours to persuade them to it, in a Conference which they desired on this Occasion, but it was to no Purpose. On the contrary, they heard the Report of the Committee concerning the Nation's Grievances, wherein they had always the Duke of *Buckingham* in view; nay, they caused him to be informed of the Articles on which the Complaints against him were grounded. Whereupon the King sent a Letter to the *Speaker*, with a Message to the *House* by Sir *Richard Weston*.

The House of Lords solicited them in vain.

“ TRUSTY and WELL-BELOVED,

“ HAVING assembled the Parliament early in the Beginning of the Year, for the more timely help and advice of our People in our great and important Affairs; and having of late, not only by Message, but also of ourself, put our House of Commons in Mind of our pressing Occasions,

The King's Letter to the Speaker. Rush. I. p. 214.

“ and

* It seems a Report was made to the House, That the Reason why our Merchants Ships and Goods were seized in *France*, was because Sir *James Bagg* Vice-Admiral for *Cornwall*, and others, had seized upon the Goods of the *French* in our Ports, particularly the Ship called the *Peter of Newhaven*, by *Buckingham's* Order, after the King and Council had ordered the Ship to be restored upon a just Claim: That 23 Bags of Silver, and 8 of Gold were by Sir *Francis Steward* delivered to the Duke, who said, he would justify the Stay of the Ship by Order from the King, Rush. I. p. 213.

1625-6. “ and of the present State of *Christendom*, wherein
 “ they have equal Interest with us, as well in Respect
 “ of their own former Engagements, as of the com-
 “ mon Cause ; We shall not need to tell them with
 “ what Care and Patience we have in the midst of
 “ our Necessities attended their Resolutions, but be-
 “ cause their unreasonable Slowness to by produce at
 “ Home as ill Effects as a Dearth, and hazard the
 “ whole Estate of Things abroad ; we have thought
 “ fit by you the Speaker, to let them know, That
 “ without more Loss of Time, we look for a full and
 “ perfect Answer of what they will give for our Sup-
 “ ply, according to our Expectation, and their Pro-
 “ mises ; wherein, as we press for nothing beyond
 “ the present State and Condition of our Subjects,
 “ so we accept no less than is proportionable to the
 “ greatness and goodness of the Cause : Neither do
 “ we press them to a present Resolution in this,
 “ with a purpose to precipitate their Counsels, much
 “ less to enter upon their Privileges ; but to shew
 “ that it is unfit to depend any longer upon Uncer-
 “ tainties, whereby the whole Weight of the Affairs
 “ of *Christendom* may break in upon us upon the
 “ sudden, to our Dishonour, and the Shame of this
 “ Nation. And for the Business at Home, we com-
 “ mand you to promise them in our Name, That
 “ after they have satisfied us in this our reasonable
 “ Demand, we shall not only continue them toge-
 “ ther at this Time, so long as the Season will per-
 “ mit, but call them shortly again to perfect those
 “ necessary Businesses which shall be now left un-
 “ done ; and now we shall willingly apply fit and
 “ seasonable Remedies to such just Grievances which
 “ they shall present unto us in a dutiful and man-
 “ nerly Way, without throwing an ill Odour upon
 “ our present Government, or upon the Govern-
 “ ment of our late blessed Father. And if there be
 “ yet any who desire to find Fault, we shall think
 “ him the wisest Reprehender of Errours past, who
 “ without reflecting backward, can give us Counsel
 “ how

“how to settle the present Estate of Things, and to
“provide for the future Safety and Honour of the
“Kingdom”

to This Letter was accompanied with five Heads of
Expense, for which it was necessary to provide, and
which were delivered to the House by the same Per-
son that brought the King's Letter, namely,

1. That his Majesty's Fleet being returned, and
the Victuals spent, the Men must of Necessity be
discharged, and their Wages paid, or else an af-
fired Mutiny will follow, which may be many
ways dangerous at this Time.

*Heads of
the Ex-
pence to be
provided
for.*

Rush. I.

2. That his Majesty hath made ready about for-
ty Ships, to be set forth on a second Voyage to
hinder the Enemy, which want only Victuals and
some Men, which, without present Supply of Mo-
ney, cannot be set forth and kept together.

P. 215.

3. That the Army which is appointed in every
Coast, must presently be disbanded, if they be not
presently supplied with Victuals and Clothes.

4. That if the Companies of Ireland, lately sent
thither, be not provided for, instead of defending
that Country, they will prove the Authors of Re-
bellion.

5. That the Season of providing healthful Vic-
tuals will be past, if this Month be neglected.

“And therefore his Majesty commandeth me to tell
“you, that he desired to know, without further delay-
“ing of Time, what Supply you will give him for these
“his present Occasions, that he may accordingly frame
“his Course and Counsel”.

The Commons were not very well pleased with the
Letter or the Message, wherein were several Things
they could not approve of. 1. The manner of de-
manding the Supply, which argued that it was not
so much a Free-Gift from them as an Obligation.

*The Com-
mons are
disgusted:
Reasons
thereof.*

2. The

1625-6. 2. The King set them a Time, by ordering it should be done out of Hand, and all other Matters laid aside to go upon that only. 3. He would not accept of less than was necessary, and this could relate only to the five Heads of Expence, which was properly specifying to them the Sum they were to give. 4. The King demanded Money with a Haughtiness very uncommon, and never practised by any King of England before. 5. The King went upon the Promise of King James's last Parliament, a Promise which was fraudulently obtained by the Duke of Buckingham's false Narration. 6. The War, for which so much Money was to be given, had been rashly taken in Hand at a Time when there was no Prospect of Success, and every one knew the King and the Duke of Buckingham were the Authors of it, though the King perpetually insisted upon the Parliament's Advice to the King his Father. If the War had been undertaken in the Beginning of the Quarrel between the King of *Bobemia* and the Emperour, or even before the Loss of the *Palatinate*, when there was Room to hope for the Assistance of the *Protestant* Princes, one might have expected a good Issue. But it was entered into at a Time when all the Princes of *Germany* were either subdued by, or joined in League with the Emperour, at a Time when there was not a single Place left that might afford the *English* an Intet into the *Palatinate*, or that could possibly be approached by them. How then could one hope to wrest the two *Palatinates* out of the Hands of the Emperour and Duke of *Bavaria*? The whole Business therefore came to making War upon the King of *Spain*. And why so? Either to oblige him to use his Interest for the Restitution of the *Palatinate*, in which Case the War was needless, since he had promised his Mediation, and even engaged to render it effectual, before the Breach of the Marriage. Or else to constrain him to endeavour by his Arms to take the *Palatinates* from the two Princes in Possession, a Project which appeared strange and extravagant,

great, and in the Execution whereof *England* would have been drained of Men and Money to no manner of Purpose. Besides the late Expedition of the Fleet, was no great Encouragement to prosecute this Undertaking. 7. Finally, Though the *Commons* did not care to debate upon all these Things, they were willing however to let the King see they did not intend to be amused with a Promise extorted by pure Artifice, and that in Case they granted him Money, they would reap some Benefit from it, by procuring the Redress of the Nation's *Grievances*. But the King took Care to shut that Door against them, by putting off the redressing of *Grievances* to another Time. As they plainly perceived, and as the King himself hinted to them, that the Aid of Money his Majesty demanded would not be the last, they could not be sure but that in the next Session of Parliament the King would expect again that the Money-Bill should come before the *Grievances*, and so there would never be an End. These were the true Reasons of the Slowness of the *Commons*, and the backwardness they showed for the King's Affairs, though they would not openly speak their Minds, for fear of engaging in Debates offensive to his Majesty. Nevertheless they were willing to hint the same to him, and it is very likely he perceived them well enough, though it was thought proper on both Sides to hide them from the Publick. And therefore the *Commons* resolved to send an Answer to the King's Letter, full of Respect and Submission, Expressions of their Zeal for his Service, and even Promises of aiding him in his Wants, though in a general Manner. But withal, they artfully intimated to him, that Redress of *Grievances* ought to preceed the Aid they intended to grant him. Their Answer was as follows :

" Most Gracious Sovereign,

The Commons Answer to

" YOUR Majesty's Dutiful and Loyal Subjects, the *Commons* now assembled in Parliament, p. 216.

the King.
Rush. I.

1625-6. " ment, in all Humility, present unto your Royal
 " Wisdom, this their Loyal Answer to the Message
 " which your Majesty was pleased, by the Chancellor
 " of your Exchequer to send unto them, desiring to know, without any further deferring of
 " Time, what Supply they would give to your Majesty, for your present and extraordinary Occasions,
 " ons, that you might accordingly frame your Courses
 " ses and Counsels. First of all, they most humbly
 " beseech your Majesty to know, and rest assured,
 " That no King was ever dearer to his People than
 " your Majesty; no People more zealous to maintain
 " and advance the Honour and Greatness of
 " their King than they; which, as upon all Occasions
 " they shall be ready to express, so especially
 " in the Support of that Cause, wherein your Majesty
 " and your Allies are now justly engaged.
 " And because they cannot doubt, but your Majesty
 " in your great Wisdom, even out of Justice, and
 " according to the Example of your most famous
 " Predecessors, will be pleased graciously to accept
 " the faithful and necessary Information and Advice
 " of your Parliament, which can have no End but
 " the Service of your Majesty, and Safety of your
 " Realm, in discovering the Causes, and proposing
 " the Remedies of these great Evils, which have occasioned
 " your Majesty's Wants, and your People's Grief.

" They therefore in Confidence and full Assurance
 " of Redress therein, do with one Consent propose
 " (though in former Time such Course hath been unused.)
 " that they really intend to assist and supply
 " your Majesty in such a Way, and in so ample a
 " Measure, as may make you safe at Home, and
 " feared Abroad; for the Dispatch whereof they will
 " use such Diligence as your Majesty's pressing and
 " present Occasions shall require."

The King fully perceived the Intention of the House in sending him this Answer. But he had not the

the same Reason as the *Commons* to be upon the Reserve in his Expressions. Nay, it was his Interest to speak his Mind freely, for fear by concealing his Principles and Pretensions, he should encourage the *Commons* to fall upon the Duke of *Buckingham*, who was counted the prime Author of the *Grievances*. His Majesty therefore makes this Reply to the *Commons* Answer.

1625 6.

“*Mr. Speaker,*

“**T**HE Answer of the *Commons* delivered by you, I like well of, and do take it for a full and satisfactory Answer, and I thank them for it, and I hope you will with all Expedition take a Course for Performance thereof, the which will turn to your own Good as well as mine: but for your Clause therein, of presenting of *Grievances*, I take that but for a Parenthesis in your Speech, and not a Condition; and yet for Answer to that Part, I will tell you, I will be as willing to hear your *Grievances*, as my Predecessors have been, so that you will apply yourselves to *Redress Grievances*, and not to *enquire after Grievances*. I must let you know, that I will not allow any of my Servants to be questioned amongst you, much less such as are of eminent Place, and near unto me. The old question was, *What shall be done to the Man whom the King will honour?* But now it hath been the Labour of some to seek what may be done against him whom the King thinks fit to honour. I see you specially Aim at the Duke of *Buckingham*; I wonder what hath so altered your Affections towards him. I do well remember, that in the last Parliament in my Father's Time, when he was the Instrument to break the Treaties, all of you (and yet I cannot say all, for I know some of you are changed, but yet the House of *Commons* is always the same) did so much honour and respect him, that all the Honour conferred

“ on

The King's
Reply.
Rush.
Ibid.

1625-6. " on him was too little ; and what he hath done since
 " to alter and change your Minds, I was not ; but
 " can assure you, he hath not meddled, or done any
 " Thing concerning the Publick or Commonwealth,
 " but by special Directions and Appointment, such as
 " my Servant, and is so far from gaining or improv-
 " ing his Estate thereby, that I verily think he hath
 " rather impaired the same. I would you would
 " hasten for my Supply, or else it will be worse for
 " yourselves ; for if any ill happen, I think I shall
 " be the last shall feel it."

Buck- This Letter prevented not the *Commons* from pro-
 ham's Con- ceeding in the Examination of the Duke of *Bucking-*
 duct exam- ham's Conduct, they being resolved to impeach him
 ined in in form. The Question was moved by Doctor *Turn-*
 the House. ner [a Physician.] *Whether common Fame be a good*
 Rush I. *Ground of Proceeding for the House ?* This Question
 p. 217. was decided in the Affirmative, after consulting some
 Turner's *Question* *Lawyers* * ; at which the King was extremely offend-
 approved. ed, and expressed his Displeasure to the *Commons*, de-
 The King manding withal, that *Turner* might be punished for
 demands moving such a Question *1. But this Message signi-
 Justice a- fied but little, and the *House* still continuing to pro-
 gainst ceed against the Duke, it was the general Opinion of
 Turner. the Members, that in granting the King Money, the
 Redress of the *Grievances* must not be neglected.

The Com- Mean while, to take from the King the Pretence
 mons vote all these Delays might furnish him with, the *Commons*
 a Supply. unanimously voted him three *Subsidies* and three *Fif-*
 teenths, to which a Month after was added a fourth
 Subsidy. Moreover they fixed the Payment of the
 first to the last Day of *June* *2. Nothing is a clearer
 Evidence of the Design I ascribed before to the *Com-*
 Their In- mons, namely, That in granting Money to the King
 tents. they

* Sir *Thomas Wentworth*, and Mr *Noy*, and others.

*1 The King in this Message demanded Justice also against *Mr. Clement Coke*, who had said in the *House*, That it was better to
 dye by an Enemy, than to suffer at Home. Rush. I. p. 218.

*2 And the last of *October*. Rush. 224.

they intended to reap some Benefit from their Liberty by the Redress of Grievances. By this Expedient they let the Publick see how ready they were to assist the King in his Necessities: But withal they reserved to themselves the Liberty of passing this *Vote* into an *Act*, without which it would be of no Effect to the King, when they should think fit. Now according to their Intent, this *Act* was not to pass till after they had received Satisfaction upon the Point of Grievance: Thus they deprived the King of the Pretence to complain of their Delays, though indeed what they did for him could be of no Advantage to him, but on Supposition he would regard their Desires. This pinched the King greatly. He plainly saw the *Commons* Drift, and was the more offended at it, as all the Proceedings of the *Commons* were aimed at the Duke of Buckingham, or rather at the King himself, who had publickly declared the Duke had done nothing but by his Orders, without being able to prevail to have him left in quiet. As he found they acted with too little Respect for him, he resolved to let them know how much he was displeased with their Proceedings, doubtless, that he might frighten them into another Course. He sent therefore for the two Houses to Whitehall, where he made them the following Speech:

“ My LORDS and GENTLEMEN,

“ I Have called you hither to Day, I mean both Houses of Parliament; but it is for several and distinct Reasons: My Lords, you of the Upper-House, to give you Thanks for the Care of the State of the Kingdom now; and not only for the Care of your own Proceedings, but exciting your Fellow-House of the *Commons* to take that into their Consideration. Therefore (my Lords,) I must not only give you Thanks, but I must also avow, That if this Parliament do not redound to the Good of this Kingdom, (which I pray God it may,)

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The King's
Speech.
March 29.
Rush. I.
p. 221.

1625-6.

“ it is not your Faults. And you, Gentlemen of the
 “ House of Commons, I am sorry that I may not
 “ justly give the same Thanks to you; but I must
 “ tell you, that I am come here to shew you your
 “ Errours, and, as I may call it, unparliamentary
 “ Proceedings in this Parliament. But I do not de-
 “ spair, because you shall see your Faults so clearly
 “ by the Lord-Keeper, that you may to amend your
 “ Proceeding, that this Parliament shall end com-
 “ fortably and happily, though at the Beginning it
 “ hath had some Rubs.”

Then the Lord-Keeper, by the King's Command,
 spoke next.

“ *My LORDS, and you the Knights,*
 “ *Citizens and Burgeffes of the House*
 “ *of COMMONS.*”

*The Lord-
 Keeper's
 Speech.*

“ **Y**OU are here assembled by his Majesty's
 “ Commandment, to receive a Declaration of
 “ his Royal Pleasure; which although it be intended
 “ only to the House of Commons, yet his Majesty
 “ hath thought meet, the Matter being of great
 “ Weight and Importance, it should be delivered in
 “ the Presence of both Houses, and both Houses
 “ make one General Council: And his Majesty is
 “ willing that the Lords should be Witnesses of the
 “ Honour and Justice of his Resolutions. And
 “ therefore the Errand, which by his Majesty's Di-
 “ rectiōn I must deliver, hath Relation to the House
 “ of Commons. I must address my self therefore to
 “ you, Mr. Speaker, and the Rest of that House.
 “ And first, his Majesty would have you to un-
 “ derstand, That there was never any King more
 “ loving to his People, or better affectioned to the
 “ right Use of Parliaments, than his Majesty hath
 “ approved himself to be, not only by his long Pa-
 “ sience

sentence since the stirring down of this Parliament,
 to be by those mild and calm Directions which from
 first Time to Time that House hath received, by Mes-
 sages and Letters, and from his Royal Mouth; when
 the irregular Humours of some particular Per-
 sons wrought Diversions and Distractions there, to
 the Disturbance of those great and weighty Affairs,
 which the Necessity of the Times, the Honour
 and Safety of the King and Kingdom, called upon.
 And therefore his Majesty doth assure you, that
 when these great Affairs are settled, and that his
 Majesty hath received Satisfaction of his reasona-
 ble Demands, he will, as a just King, hear and
 answer your just Grievances, which in a dutiful
 Way shall be presented unto him; and this his Ma-
 jesty doth avow.

Next his Majesty would have you know of a
 Surety, That as never any King was more loving
 to his People, nor better affectioned to the right
 Use of Parliaments, so never King more jealous
 of his Honour, nor more sensible of the Neglect
 and Contempt of his Royal Rights, which his
 Majesty will by no means suffer to be violated by
 any pretended Colour of parliamentary Liberty;
 wherein his Majesty doth not forget, that the Par-
 liament is his Council, and therefore ought to have
 the Liberty of a Council; but his Majesty under-
 stands the Difference betwixt Council and Control-
 ling, and between Liberty and the Abuse of Li-
 berty.

This being set down in general, his Majesty
 hath commanded me to relate some particular
 Passages and Proceedings, whereat he finds himself
 aggrieved.

First, Whereas a seditious Speech was uttered
 amongst you by Mr. Coke, the House did not, as
 they ought to do, censure and correct him. And
 when his Majesty understanding it, did, by a Mes-
 sage of Mr. Chancellor of the Exchequer, delivered
 to the House, require Justice of you, his Majesty

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“ hath since found nothing but protracting and De-
 “ lays. This his Majesty holds not agreeable to the
 “ Wisdom and the Duty which he expected from the
 “ *House of Commons*.
 “ Secondly, Whereas Doctor *Turner*, in a strange
 “ unparliamentary Way, without any Ground of
 “ Knowledge in himself, or offering any particular
 “ Proof to the *House*, did take upon him to advise
 “ the *House* to enquire upon sundry Articles against
 “ the Duke of *Buckingham*, as he pretended, but in
 “ Truth to wound the Honour and Government of
 “ his Majesty, and of his renowned Father; and his
 “ Majesty, first, by a Message, and after by his
 “ own Royal Mouth, did declare, That that Course
 “ of Enquiry was an Example which by no way he
 “ could suffer, though it were against his meanest
 “ Servant, much less against one so near him; and
 “ that his Majesty did much wonder at the foolish
 “ Insolency of any Man, that can think that his Ma-
 “ jesty should be drawn out of any End to offer such
 “ a Sacrifice so unworthy of a King, or a good Mas-
 “ ter; yet for all this, you have been so far from cor-
 “ recting the Insolency of *Turner*, that ever since
 “ that Time your *Committees* have walked in the
 “ Steps of *Turner*, and proceeded in an unparliamen-
 “ tary Inquisition, running upon Generals, and re-
 “ peating that whereof you have made Fame the
 “ Ground-work. Here his Majesty hath Cause to be
 “ exceeding sensible, that upon every Particular he
 “ finds the Honour of his Father stained and ble-
 “ mished, and his own no less; and withal you have
 “ manifested a great Forwardness rather to pluck
 “ out of his Bosom those who are near about him,
 “ and whom his Majesty hath cause to affect, than
 “ to trust his Majesty with the future Reformation
 “ of these Things which you seem to aim at: And
 “ yet you cannot deny but his Majesty hath wrought
 “ a greater Reformation in Matters of Religion,
 “ Execution of the Laws, and concerning Things of
 “ great Importance, than the Shortness of his Reign

“ (19

“ (in which he hath been hindred, partly through
 “ Sicknefs, and the Diftraction of Things, which we
 “ could have wished had been otherwise) could pro-
 “ duce.

“ Concerning the Duke of *Buckingham*, his Ma-
 “ jesty hath commanded me to tell you, That him-
 “ self doth better know than any Man living, the
 “ Sincerity of the Duke’s Proceedings ; with what
 “ Cautions of Weight and Discretion he hath been
 “ guided in his publick Employments from his Ma-
 “ jesty and his blessed Father ; what Enemies he
 “ hath procured at Home and Abroad ; what Peril
 “ of his Person, and Hazard of his Estate, he ran
 “ into for the Service of his Majesty, and his ever-
 “ blessed Father ; and how forward he hath been in
 “ the Service of this House, many times since his
 “ Return from *Spain*. And therefore his Majesty
 “ cannot believe that the Aim is at the Duke of
 “ *Buckingham*, but findeth that these Proceedings do
 “ directly wound the Honour and Judgement of him-
 “ self, and of his Father. It is therefore his Ma-
 “ jesty’s exprefs and final Commandment, That you
 “ yield Obedience unto those Directions which you
 “ have formerly received, and cease this unparliamen-
 “ tary Inquisition, and commit unto his Majesty’s
 “ Care, and Wisdom, and Justice, the future Re-
 “ formation of these Things which you suppose to be
 “ otherwise than they should be : And his Majesty is
 “ resolved, that before the End, of this Session, he
 “ will set such a Course, both for the Amending of
 “ any Thing that may be found amiss, and for the
 “ Settling of his own Estate, as he doubteth not but
 “ will give you ample Satisfaction and Comfort.

“ Next to this, his Majesty takes notice, That
 “ you have suffered the greatest Council of State to
 “ be censured and traduced in the *House*, by Men
 “ whose Years and Education cannot attain to that
 “ Depth : That foreign Businesses have been en-
 “ tertained in the *House*, to the Hindrance and Dis-
 “ advantage of his Majesty’s Negotiations : That

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“ the same Year, yea, the first Day of his Majesty’s
 “ Inauguration, you suffered his Council, Govern-
 “ ment, and Servants, to be paralleled with the
 “ Times of most Exception: That your *Committees*
 “ have presumed to examine the Letters of Secre-
 “ taries of State, nay, his own; and sent a general
 “ Warrant to his Signer-Office, and commanded his
 “ Officers, not only to produce and shew the Re-
 “ cords, but their Books and private Notes, which
 “ they made for his Majesty’s Service. This his
 “ Majesty holds as unsufferable, and it was in former
 “ Times unusual.

“ Next I am to speak concerning your Supply of
 “ Three *Subsidies* and Three *Fifteenths*, which you
 “ have agreed to tender to his Majesty. You have
 “ been made acquainted with the Greatness of his
 “ Affairs, both at Home and Abroad, with the
 “ strong Preparation of the Enemy, with Impor-
 “ tance of upholding his Allies, strengthening and
 “ securing both *England* and *Ireland*; besides the
 “ Encountring and Annoying the Enemy by a pow-
 “ erful Fleet at Sea, and the Charge of all: This
 “ having been calculated unto you, you have pro-
 “ fessed unto his Majesty, by the Mouth of your
 “ Speaker, your Carefulness to support the Cause
 “ wherein his Majesty and his Allies are justly en-
 “ gaged; your unanimous Consent and real Intenti-
 “ on to supply his Majesty in such a Measure, as
 “ should make him safe at Home, and feared A-
 “ broad; and that in the Dispatch hereof, you would
 “ use such Diligence as his Majesty’s pressing and
 “ present Occasions did require.

“ And now his Majesty having erected a Proceed-
 “ ing suitable to this Engagement, he doth observe,
 “ that in two Days only of twelve, this Business was
 “ thought of, and not begun till his Majesty by a
 “ Message put you in Mind of it, whilst your In-
 “ quisition against his Majesty’s Direction proceeded
 “ Day by Day.

“ And

“ And for the Measure of this Supply, his Majesty
 “ findeth it so far from making himself safe at Home,
 “ and feared Abroad; as contrariwise it exposeth him
 “ both to Danger and Dis-esteem; for his Majesty
 “ cannot expect without better Help, but that his
 “ Allies must presently disband, and leave him alone
 “ to bear the Fury of a provoked and powerful En-
 “ my: So as both he and you shall be unsafe at
 “ Home, and ashamed and despised Abroad. And
 “ for the Manner of the Supply, it is in itself very
 “ dishonourable, and full of distrust; for although
 “ you have avoided the literal Word of a Condition,
 “ whereof his Majesty himself did warn you, when
 “ he told you of your Parenthesis; yet you have
 “ put to it the Effect of a Condition, since the Bill
 “ is not come into your *House*, until your *Grievances*
 “ be both preferred and answered. No such thing
 “ was in that Expression and Engagement delivered
 “ by your Speaker, for which his Majesty holdeth,
 “ that you have receded both in Matter and Man-
 “ ner, to his great Disadvantage and Dishonour.
 “ And therefore his Majesty commandeth, that you
 “ go together, and by *Saturday* next return your
 “ final Answer, what further Supply you will add
 “ to this you have already agreed on, and that to
 “ be without Condition, either directly or indirectly,
 “ for the Supply of these great and important Af-
 “ fairs of his Majesty; which for the Reasons for-
 “ merly made known unto you, can endure no longer
 “ Delay; and if you shall not by that time resolve
 “ on a more ample Supply, his Majesty cannot ex-
 “ pect a Supply this way, nor promise you to sit
 “ longer together; otherwise, if you do it, his Ma-
 “ jesty is well content that you shall sit so long as
 “ the Season of the Year will permit; and doth
 “ assure you, that the present Addition to your
 “ Supply to set forward the Work, shall be no Hinder-
 “ dence to your speedy access again.

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“ His Majesty hath commanded me to add this,
 “ That therein he doth expect your cheartful Obedience, which will put a happy Issue to this Meeting, and will enable his Majesty, not only to a defensive War, but to employ his Subjects in foreign Actions, whereby will be added to them both Experience, Safety and Honour.

“ Last of all, his Majesty hath commanded me, in Explanation of the gracious Goodness of his Royal Intention, to say unto you, That he doth well know, that there are among you many wise and well-tempered Men, well-affected to the Publick, and to his Majesty’s Service; and that those that are willingly faulty are not many : and for the Rest his Majesty doubteth not, but after his gracious Admonition, they will, in due time, observe and follow the better Sort ; which if they shall do, his Majesty is most ready to forget whatsoever is past.

Then his Majesty spoke again.

“ I must withal put you in mind a little of times past ; you may remember, that in the Time of my blessed Father, you did with your Counsel and Persuasion persuade both my Father and me to break off the Treaties : I confess I was your Instrument, for two Reasons ; one was, the Fitness of the Time ; the other, because I was seconded by so great and worthy a Body, as the whole Body of Parliament : Then there was no body in so great Favour with you as this Man, whom you seem now to touch, but indeed my Father’s Government and mine. Now that you have all things according to your Wishes, and that I am so far engaged, that you think there is no retreat ; now you begin to set the Dice, and make your own Game : But I pray you be not deceived, it is not a parliamentary Way, nor is it a Way to deal with a King.

“ Mr.

" Mr. Cook told you, *It was better to be eaten up by*
 " *a Foreign Enemy, than to be destroyed at Home.* In-
 " deed I think it more Honour for a King to be in-
 " vaded, and almost destroyed by a foreign Enemy,
 " than to be despised by his own Subjects.
 " Remember that Parliaments are altogether in my
 " Power for their Calling, Sitting, and Dissolution;
 " therefore as I find the Fruits of them good or evil,
 " they are to continue, or not to be: And remem-
 " ber, That if in this Time, instead of mending your
 " Errours, by Delay you persist in your Errours, you
 " make them greater and irreconcilable: Whereas,
 " on the other Side, if you do go on cheerfully to
 " mend them, and look to the distressed State of
 " *Christendom*, and the Affairs of the Kingdom, as it
 " lieth now by this great Engagement; you will do
 " yourselves Honour, you shall encourage me to go
 " on with Parliaments, and, I hope, all *Christendom*
 " shall feel the Good of it".

The King's and Keeper's Speeches were so plain, *The Com-*
 that there was no mistaking their Meaning. The *mons take*
 King's Aim in general was to give the Parliament to *Offence at*
 understand, they were only his *Council*, whose Ad- *these*
 vice he might follow or reject, and that he might *Speeches.*
 chuse whether he would call this same *Council*, or
 would govern without a Parliament. As soon as the
Commons were come back, they [turned the *House* in-
 to a grand Committee] ordered the Doors to be
 locked, and the Keys to be laid on the Table, that
 no Member might go out till the *House* came to a Re-
 solution in what they had just heard. His Majesty
 having notice thereof, and perceiving this could not
 but retard Matters, ordered immediately a Conference
 between the *Two Houses*, and commanded the Duke
 of *Buckingham* to explain his Intentions, and give his
 Words a Sense something less offensive than that which
 offered at first. The Duke spoke in the manner
 following.

" Whereas

1626.

The Duke
of Buck-
ingham's
Speech,
wherein he
explains
the King's.
Rush. I.,
p. 225.

“ **W**Hereas it is objected by some, who wish
“ good Correspondency betwixt the King and
“ People, that to prefix a Day to give or to break
“ was an unusual Thing, and might express an Inclination to the King to break ; to remove this, as his Majesty was free from such Thoughts, he hath descended to make this Explanation.

“ That as his Majesty would not have you condition with him directly or indirectly, so he will not lie to a Day, for giving farther Supply ; but it was the pressing Occasion of *Christendom* that made him to pitch upon a Day.

“ His Majesty hath here a Servant of the King of Denmark, and another from the Duke of Weymer, and Yesterday received a Letter from his Sister the Queen of *Bobemia* ; who signified, that the King of Denmark hath sent an Ambassador, with Power to perfect the Contract which was made at the Hague ; so it was not the King, but Time, and the Things themselves that pressed a Time.

“ Therefore his Majesty is pleased to give longer, hoping you will not give him Cause to put you in Mind of it again ; so that you have a greater Latitude, if the Business require to think further of it.

“ I am commanded further to tell you, That if his Majesty should accept of a less Sum than will suffice, it will deceive your Expectations, disappoint his Allies, and consume the Treasure of the Kingdom : Whereas, if you give largely now, the Business being at a Crisis, it comes so seasonably, it may give a Turn to the Affairs of *Christendom*.

“ But while we delay and suffer the Time to pass, others Abroad will take Advantage of it, as the King of *Spain* hath done, by concluding a Peace, as it is thought, in *Italy*, for the *Valtoline*, whereby our Work is become the greater, because there can be no Diversion that Way.

“ As

“ As it was a good Rule to fear all Things and
 “ nothing, and to be Liberal was sometimes to be
 “ Thrifty ; so in this particular, if you give largely,
 “ you shall carry the War to the Enemy’s Door, and
 “ keep the Peace at Home that hath been : Where-
 “ as, on the contrary, if you draw the War at Home,
 “ it brings with it nothing but Disturbance and Fear,
 “ all Courtes of Justice stop, and each Man’s Re-
 “ venue lessend, and nothing that can be profita-
 “ ble.

“ Another Explanation I am commanded to make,
 “ touching the Grievances ; wherein his Majesty
 “ means no way to interrupt your Proceedings, but
 “ hopes you will proceed in the antient Ways of
 “ your Predecessors ; and not so much seek Faults,
 “ as the Means to redress them.

“ I am further commanded to tell you, That his
 “ Majesty intends to elect a Committee of both
 “ Houses, whom he will trust, to take the View of
 “ his Estate, the Defects of which are not fit for the
 “ Eyes of a Multitude ; and this Committee will be
 “ for your Ease, and may satisfy you, without cast-
 “ ing any ill Odour on his Government, or laying
 “ open any Weakness that may bring Shame upon us
 “ Abroad. That which is proposed is so little, that
 “ when the Payment comes, it will bring him to a
 “ worse Estate than now he is in ; therefore wishes
 “ you to enlarge it, but leaves the Augmentation to
 “ your selves ; but is sorry, and touched in Con-
 “ science, that the Burthen should lie on the poorest,
 “ who want too much already ; yet he will not
 “ prescribe, but wish that you, who were the Abet-
 “ tors and Counsellors of this War, would take a
 “ greater Part of the Burden to your selves ; and
 “ any Man that can find out that Way, shall shew
 “ himself best affected, and do the best Service to the
 “ King and State”.

After the Duke had thus spoken for the King, he
 made his Address to them in his own Behalf, taking
 this

1626. this Occasion to vindicate his Conduct, or rather to extol the Services he had done the State. The Lord Conway, Secretary of State, spoke next, and undertook, among other Things, to show, that the Three *Subsidies* and Three *Fifteenths* granted to the late King had been employed according to the Intent of the Parliament, because nothing was disbursed but by the King's exprefs Orders, a Reason which must needs have appeared frivolous to the *House of Commons*.

The Explanation of the King's Intentions seemed to pacify the *Commons* a little. How much soever they might be disgusted at what the King said about Parliaments, they did not think proper to take him up; whether they were afraid to enter into so dangerous a Discussion, or expected that the Lords would take the Matter in Hand, since they were no less concerned: The *Commons* contented themselves therefore with presenting to the King a *Remonstrance* to justify their Proceedings. This *Remonstrance* was preceeded by an Address on the same Subject. But as the Address was only an Abstract of the *Remonstrance* they were preparing, I shall pass it over in Silence, and insert only the *Remonstrance*, which was thus worded:

“ *Most gracious Sovereign,*

The Commons Remonstrance to the King.
Rush I.
P 243.

“ **W**Hereas your Majesty hath been pleased of late, at sundry Times, and by several Means, to impart unto us your Royal Pleasure, touching some Passages and Proceedings in this present Parliament: We do first, with unspeakable Joy and Comfort acknowledge your Majesty's Grace and Favour, in that it hath pleased you to cause it to be delivered unto us by the Lord-Keeper of your Great-Seal, in your own Royal Presence, and before both Houses of Parliament; That never King was more loving to his People, nor better affected to the right Use of Parliaments; withal professing your most gracious Resolution to hear and redress our just Grievances. And with like Comfort we

“ acknow-

“ acknowledge your Majesty's Goodness shining at
 “ the very Entrance of your glorious Reign, in com-
 “ manding the Execution of the Laws established to
 “ preserve the true Religion of Almighty God, in
 “ whose Service consisteth the Happiness of all Kings
 “ and Kingdoms.

“ Yet let it not displease your Majesty, that we
 “ also express some Sense of just Grief, intermixed
 “ with that great Joy, to see the careful Proceedings
 “ of our sincere Intentions so misreported, as to have
 “ wrought Effects unexpected, and, we hope, un-
 “ deserved.

“ First, Touching the Charge against us in the
 “ Matter concerning Mr. *Cook*. We all sincerely
 “ protest, That neither the Words mentioned in your
 “ Majesty's Message, nor any other of seditious Ef-
 “ fect were spoken by him, as hath been resolved by
 “ the House, without one Negative Voice. Howso-
 “ ever, in a Speech occasionally uttered, he let fall
 “ some few Words, which might admit an ill Con-
 “ struction ; whereat the House being displeased at
 “ the Delivery of them, as was expressed by a ge-
 “ neral and instant Check, he forthwith so explained
 “ himself and his Intention, that, for the present,
 “ we did forbear to take them into Consideration,
 “ which since we have done : And the Effect thereof
 “ had before this appeared, if by important Busi-
 “ ness of your Majesty's Service we had not been in-
 “ interrupted.

“ The like Interruption did also befall us in the
 “ Case of Dr. *Turner* ; wherein the Question being
 “ formally stated, a Resolution was ordered to have
 “ been taken that very Day, on which we received
 “ your Majesty's Command to attend you.

“ But for our own Proceedings, we humbly be-
 “ seech your Majesty to be truly informed, That be-
 “ fore that Overture from Dr. *Turner*, (out of our
 “ great and necessary Care for your Honour and
 “ Welfare of your Realm) we had taken into seri-
 “ ous Consideration the Evils which now afflict your
 “ People,

- (1626. " People, and the Causes of them, that we might
 " apply our selves unto the fittest Remedies : In the
 " Pursuit whereof, our Committees (whatsoever
 " they might have done) have in no particular pro-
 " ceeded otherwise, then either upon Ground of
 " Knowledge in themselves, or Proof by Examination
 " of Witnesses, or other Evidence. In which
 " Course of Service for the Publick Good, as we
 " have not swerved from the parliamentary Ways of
 " our Predecessors, so we conceive, that the Disco-
 " very of reforming of Errours is so far from laying
 " an Aspersion upon the present Time and Govern-
 " ment, that it is rather a great Honour and Hap-
 " piness to both, yielding Matter to great Princes,
 " wherein to exercise and illustrate their noblest Virtues.
 " And although the grievous Complaints of the
 " Merchants from all Parts, together with the com-
 " mon Service of the Subjects well-affected to those
 " who profess our Religion, gave us Occasion to de-
 " bate some Businesses that were partly foreign, and
 " had relation to Affairs of State ; yet we beseech
 " your Majesty to rest assured, it was exceeding far
 " from our Intention, either to traduce your Coun-
 " sellors, or disadvantage your Negotiations. And
 " though some Examples of great and potent Mi-
 " nisters of Princes, heretofore questioned in Parlia-
 " ment, have been alledged, yet was it without pa-
 " rallelling your Majesty's Government or Councils,
 " to any Times at all, much less to Times of Ex-
 " ception.
 " Touching the Letter of your Majesty's Secreta-
 " ry, it was first alledged by your Advocate for his
 " own Justification, and after by Direction of the
 " Committee produced to make good his Allegation.
 " And for the Search at the Signer-Office, the
 " Copy of a Letter being divulged as in your Ma-
 " jesty's Name, with pregnant Cause of Suspicion,
 " both in the Body and Direction thereof to be sup-
 " positious, the Committee, out of Desire to be
 " cleared therein, did by their Order send some of
 " them-

" themselves to the Signet-Office, to search whether
 " there were any Records of Letters of that Nature,
 " without Warrant to the Officer for any, much less
 " for a general Search.

" But touching publick Records, we have not for-
 " born, as often as our Business have required, to
 " make search into them, wherein we have done no-
 " thing unwarranted by the Laws of your Realm,
 " and the constant Usage of Parliaments. And if
 " for the Ease of their Labours, any of our Com-
 " mittees have desired the Help of the Officers, Re-
 " pertories, or Breviats of Direction, we conceive it
 " no more than any Subject in his own Affairs
 " might have obtained for ordinary Fees.

" Now concerning your Majesty's Servants, and
 " namely, the Duke of *Buckingham*, we humbly be-
 " seech your Majesty to be informed by us your
 " faithful Commons; who can have no private End
 " but your Majesty's Service, and the Good of your
 " Country, That it hath been the antient, constant,
 " and undoubted Right and Usage of Parliaments,
 " to question and complain of all Persons of what
 " Degree soever, found grievous to the Common-
 " wealth, in abusing the Power and Trust committed
 " to them by their Sovereign. A Course approved
 " not only by the Examples in your Father's Days,
 " of famous Memory, but by frequent Presidents in
 " the best and most glorious Reigns of your noble
 " Progenitors, appearing both in Records and His-
 " tories: without which Liberty in Parliament, no
 " private Man, no Servant to a King, perhaps no
 " Counsellor, without exposing himself to the Ha-
 " zard of great Enmity and Prejudice, can be a
 " Means to call great Officers into question for their
 " Misdemeanours, but the Commonwealth might
 " languish under their Pressures without Redress:
 " And whatsoever we shall do accordingly in this
 " Parliament, we doubt not but it shall redound to
 " the Honour of the Crown, and Welfare of your
 " Subjects.

" Lastly,

1626.

“ Lastly, We most humbly beseech your Majesty
 “ graciously to conceive, that though it hath been
 “ the long Custom of Parliaments to handle ~~the~~
 “ Matter of Supply with the last of their Business,
 “ yet at this Time, out of extraordinary Respect to
 “ your Person, and Care of your Affairs, we have
 “ taken the same into more speedy Consideration,
 “ and most happily on the very Day of your Ma-
 “ jesty’s Inauguration, with great Alacrity and un-
 “ animous Consent : After a short Debate we grew
 “ to the Resolution for a present Supply well-known
 “ to your Majesty.

“ To which, if Addition may be made of other
 “ great Things for your Service, yet in Consultation
 “ on amongst us, we doubt not but it will appear,
 “ that we have not receded from the Truth of our
 “ first Intention, so to supply you, as to make you
 “ safe at Home, and feared Abroad ; especially if
 “ your Majesty shall be pleased to look upon the
 “ Way intended in our Promise, as well as to the
 “ Measure of the Gift agreed.

“ With like Humility we beseech your Majesty
 “ not to give Ear to the officious Reports of private
 “ Persons for their own Ends, which hath occasioned
 “ so much Loss of Time, nor to judge our Proceed-
 “ ings whilst they are in Agitation, but to be pleased
 “ to expect the Issue and Conclusion of our Labours,
 “ which we are confident will manifest and justify to
 “ your Majesty the Sincerity and Loyalty of our
 “ Hearts, who shall ever place in a high Degree of
 “ Happiness the performing of that Duty and Ser-
 “ vice in Parliament, which may most tend to your
 “ Majesty’s Honour, and the Good of your King-
 “ dom”.

*The Com-
 mons In-
 tention in
 the fore-
 going Re-
 monstrance*

We see by this *Remonstrance* that the *Commons* did
 not look upon *Cook’s* Offence as a Crime deserving
 so severe a Punishment as the King imagined, and
 the rather, as the King had been misinformed. More-
 over,

even, in showing Repentment against *Coke*, they were afraid of discouraging the *Members*, and hindering them from speaking their Minds freely, besides that they should thereby cause the King to make continual Complaints on the like Pretences. But on the other Hand, if they declared *Coke* entirely innocent, they were apprehensive of engaging in a Discussion they were willing to avoid. As for *Turner*, they could not condemn him, since his Motion was approved by the House. So, they only evaded the King's Demand, for fear of offending him by a Refusal, imagining the King would understand their Meaning. But as to the Duke of *Buckingham*, the Case was different. The King having laid it down for a Rule, that the Commons had not Power to accuse any of his Servants without his Leave, they could not speak too plainly, by reason of the Importance of the King's Pretensions, which tended to rob the House of one of their greatest Privileges. As to the Supply of Money, it is very visible the Commons did not intend the King should have it in his Power to prescribe them Terms in that Matter, but were resolved to preserve the Right of granting what they thought proper, and when they saw fit. And indeed, it is of so great Moment to the Commons not to lose this Right, that should they suffer the least Inroad upon it, they would assuredly become an empty Name without Authority.

The King did not think fit to return an Answer to the Remonstrance, or at least desired time to examine it. Mean while, he wished the Commons to adjourn for a Week, as the Lords had done; and they did so accordingly.

The Parliament adjourned.

The King was in great Perplexity. He had occasion for Money, and the Commons had voted him Three Subsidies, and Three Fifteenths, to which they had just added a Fourth Subsidy. But it evidently appeared they meant not to pass the Bill, till the Duke of *Buckingham's* Affair, which was in hand, was over. So the King not being able to divert the Impeachment against the Duke, without stopping at

The King consents to the Prosecution of his Favourite.

1526. the same time the *Subsidy-Bill*, consented at length, that the *House* should proceed in the Examination of his Favourite's Conduct, but it was with Intention to put a Stop to Proceedings, in case Matters were carried too far.

The Commons acquaint the Duke with their Design.

He avoids answering Ruth. I. p. 247.

Article annexed to the Charge against the Duke.

The King tries in vain to elude the Commons Design.

The Earl of Bristol's Affair. Ruth. I. p. 299.

A few Days after, the *Commons* sent word to the Duke of *Buckingham* that they were passing Articles of Accusation against him, of which he might be informed by the *Clerk's Book* [and take a Copy thereof] and that they expected his Answer, if he pleased to send any. Whereupon, the Duke applied to the Lords for Leave to answer. But the Lords did not think it convenient to permit him, under colour that he would by that give the *Commons* Occasion to defer the *Subsidy-Business*, which they were going to take into Consideration. But the *Commons*, without regarding the Reason alledged by the Lords, which was notified to them by the Duke, continued their Proceedings. Nay, they resolved to annex to the Charge, an Article concerning the Plaster the Duke applied to King *James* in his last Sickness, and the Potion he gave him to drink, without the Advice of the Physicians. The King hearing of this, sent a Message to the *Commons*, "That he having consented to their Proceedings against the Duke of *Buckingham*, and hearing there is new Matter intended to be brought against him, nevertheless leaves the *House* to their own way to present the Business to him or to the Lords; withal advising them to consider of the Season of the Year, and to avoid Loss of Time". He would probably have been glad, that, as he was chiefly concerned in the Article relating to the King his Father's Life, the *Commons* would have left it to his Determination. But they made as if they understood him not, and only thanked him for his Message.

Some Interruption was given to the Duke of *Buckingham's* Impeachment, and consequently to the *Subsidy-Bill*, by a new Affair which unexpectedly came on, and which it will be necessary briefly to mention, though

though I design not to give a full Account of it in this Place. The Earl of *Bristol*, who had been Ambassador in *Spain* about the Business of the Marriage, which he had at length brought to a Conclusion, according to King *James's* Desire, had however the Misfortune to displease the Prince and Duke. As their Aim was to hinder the Earl from giving the Parliament a true Account of what passed in *Spain*, they managed it so, that at his Return he was confined to his House, and afterwards sent to the Tower. King *James* was fully satisfied of the Earl's Innocence, but he was so little Master of his Actions the two last Years of his Life, that he durst not openly protect him. So the Prince and Duke constrained him, on divers Pretences, to keep him in Prison, that he might not speak with him. After King *James's* Death, the Earl's Case became so much the worse, as the new King and Favourite, his professed Enemies, were no longer obliged to keep any Measures with him. He remained therefore in Prison till this second Parliament, that is, about two Years, without being brought to a Tryal, or so much as having any Charge entered against him. At last, knowing how the Commons stood affected to the Duke, he resolved to lay hold of this Opportunity, and try to recover his Liberty. He wanted also to be in a Condition to justify his Conduct, which the Duke had aspersed, in order to cast on him the whole Blame of what had passed in the Negotiation of the Prince's Marriage with the *Infanta* of *Spain*. He presented therefore a Petition to the House of Lords, setting forth, that being Peer of the Realm, he had received no Summons to the Parliament, desiring them to intercede for him, that he might enjoy his Privilege. Whereupon the Lords prayed his Majesty to send a Writ of Summons as well to the Earl of *Bristol* as to some other Peers, who had not received theirs, which the King granted. A Writ then was sent to the Earl; but withal, he received a Letter under the Great-Seal, acquainting him, that his Majesty would have him rather make

1626. Excuse for his Absence, than come in Person to the *House*. Upon this, the Earl addressed himself a second Time to the Lords, sending the Letter he had received, and telling them, That it was done by the Duke of *Buckingham's* Credit, whose Aim was to prevent him from making known his Misdemeanours. Moreover, he besought the Lords to permit him to bring an Accusation against the Duke, wherein he would demonstrate how much the Duke had deceived the late King, his present Majesty, the State, and the Parliament. The King was so offended with the Earl of *Bristol's* Boldness, that he sent a Message to the Lords, declaring, he was determined to exhibit before them a Charge of High-Treason against the Earl of *Bristol*. After this Declaration, the Lords could not help putting the Earl into the Custody of the *Black Rod*. Some Days after, the Earl being brought to the Bar of the *House*, the Attorney-General read the Charge against him in the King's Name, who had corrected it in several Places with his own Hand. Nevertheless, the Lords received also the Accusation entered by the Earl of *Bristol* against the Duke of *Buckingham*, and the Lord *Conway* Secretary of State. The King's Charge against the Earl was divided into Three Heads; namely, What he had done before the Prince's going to *Spain*; What he had done during the Prince's being in *Spain*; and What he had done after the Prince's Return. But the Earl made such a Defence, as covered his Accusers with Confusion. He plainly showed, how much the Duke of *Buckingham* had imposed upon the Parliament in his Narrative of what passed in *Spain*. This reflected on the King himself, who had not only attested the Relation, but persisted still to attest it as true. Wherefore he did not think fit to prosecute a Sentence against the Earl. As the Charge against the Earl of *Bristol*, his Defence, the Accusation he brought himself against the Duke of *Buckingham* and the Lord *Conway*, relate rather to the Reign of King *James*, than to that of King *Charles*, I do not think it necessary

cessary to insist any longer upon this Affair, which would lead me too far. However, as this is a curious Point, as we find in the Earl's Defence an exact Account of what passed in Spain in the Negotiation of the intended Marriage, and as we may see there at large the Characters of James I, Charles I, and the Duke of Buckingham, I shall insert at the End of this Volume several Papers upon this Subject, which to me seem worthy the Curiosity of the Publick.

Some Days after that the Earl of Bristol had given in his Answer, and presented his Charge against the Duke and the Lord Conway, the Commons brought up to the Lords their Declaration and Impeachment against the Duke of Buckingham. It contained Thirteen Articles, which were explained and aggravated by the Managers appointed by the Commons. It is customary for the Commons on such Occasions, to share the Work among several of their Members, each of whom prepares to speak to the Article assigned him *. Sir Dudley Diggs, who was appointed to explain and support the Beginning of the Charge, [after a short Prologue] read the following Preamble :

For the speedy Redress of great Evils and Mischiefs, and of the chief Cause of these Evils and Mischiefs which this Kingdom of England now grievously suffereth, and of late Years hath suffered ; and to the Honour and Safety of our Sovereign Lord the King, and of his Crown and Dignity ; and to the Good and Welfare of his People, The Commons in this present Parliament, by the Authority of our said Sovereign Lord the King, assembled, Do, by this their Bill, shew and declare against George, Duke, Marquess, and Earl of Buckingham, Earl of Coven-

The Commons Charge against the Duke of Buckingham.
May 8.
Rush.
Vol. I.
p. 302.
The Commons Declaration and Impeachment against the Duke of Buckingham.
May 8.]
Rush.
Vol. I.
p. 302.

* It was managed by Eight Members, and Sixteen more as Assistants. The Eight chief Managers were Sir Dudley Diggs, Mr. Herbert, Mr. Selden, Mr. Glanville, Mr. Pym, Mr. Sherland, Mr. Wandesford, and Sir John Ellis. Rush. I. p. 302.

try, Viscount Villers, Baron of Whaddon, Great-Admiral of the Kingdoms of England and Ireland, and of the Principality of Wales, and of the Dominions and Islands of the same, of the Town of Calais, and of the Marabes of the same, and of Normandy, Gascoign and Guienne, General-Governour of the Seas and Ships of the said Kingdom, Lieutenant-General-Admiral, Captain-General and Governour of his Majesty's Royal Fleet and Army lately set forth, Master of the Horse of our Sovereign Lord the King, Lord Warden, Chancellor and Admiral of the Cinque-Ports, and of the Members thereof, Constable of Dover-Castle, Justice in Eyre of the Forests and Chaces on this Side the River Trent, Constable of the Castle of Windsor, Gentleman of his Majesty's Bed-Chamber, one of his Majesty's most Honourable Privy-Council in his Realms, both in England, Scotland and Ireland, and Knight of the most Honourable Order of the Garter: The Misdemeanors, Misprisions, Offences, Crimes, and other Matters, comprized in the Articles following; and him the said Duke do accuse and impeach of the said Misdemeanors, Misprisions, Offences and Crimes.

Diggs explains and aggravates the Preamble.

This Preamble being read, Sir Dudley Diggs gave a general Notion of the Impeachment, without insisting upon any Article in particular. He only reduced the Charge to Four principal Heads. In the First, He showed the Abuses which followed upon so many Offices being conferred on a single Person, and maintained, That it was one of the chief Causes of the Calamities which afflicted England, as Decay of Trade, Losses at Sea, and the Contempt the Nation was fallen into. In the Second, He spoke in general of Honours being sold or procured by the Duke to undeserving Persons. In the Third, He said, as the Duke had raised all his poor Kindred to Honours, so he had exhausted and mis-employed his Majesty's Lands and Revenues. In the Fourth, He spoke of the Remedies applied and given to the late King in his last Sickness; but he only just mentioned them, because

because that Article was to be enlarged upon by another Manager.

As this Charge was never judged, I think it needless to relate the Particulars, or give an Account of what was said by each of the Managers on the several Articles. But that the Reader may see in general what the Duke was accused of, I shall insert an Abstract of each of the Articles.

I. He was accused of ingrossing into his own Hands a great Number of Offices, some whereof could hardly be executed by a single Person: and of procuring them by ill Means. *Abstract of the Articles of Impeachment.*

II. Of purchasing the Office of High-Admiral of the Earl of *Nottingham*.

III. Of buying the Office of Lord-Warden of the *Cinque-Ports* of the late Lord *Zouch*.

IV. Of having neglected to guard the Seas and protect the Merchants.

V. Of confiscating a *French* Ship called the *St. Peter* of *Newhaven*, worth 40,000 *l. Sterling*: Of detaining the said Ship, after the King's Order to restore her to the Owner, and of taking out several Things for his Use.

VI. Of oppressing the *East-India* Company, by detaining under false Pretences their Ships which were ready to sail, and of compelling them to give him Ten Thousand Pounds, that they might not lose their Voyage.

VII. and VIII. Of delivering several Merchant-Ships and a Man of War into the Hands of the *French* King, against the Will of the Owners, to serve at the Siege of *Rochel*.

IX. Of constraining several Persons to purchase Titles of Honour.

X. Of selling the Office of *High-Treasurer* for Twenty Thousand Pounds, and the Office of *Master of the Wards and Liveries* for Six Thousand.

1626.

XI. Of procuring to his Kindred and Allies Titles of Baron, Viscount, Earl, without their having done the State any Service.

XII. of embezzling and ingrossing the King's Money and Lands.

XIII. Of applying a Plaster to the late King's Side in his last Sickness, and of giving him a Potion with his own Hand at several Times, in his Absence, and without the Order of the Physicians.

Sir John
Elliot
makes the
Epilogue.

These Articles were enlarged upon by the several Managers *, and Sir John Elliot was appointed to make a sort of *Epilogue* to the Impeachment, wherein he summed up what had been said against the Duke, and spoke of him in very offensive Terms; but however said not a Word of the Plaster or Potion.

Diggs and
Elliot sent
to the
Tower.

The same or the next Day, Diggs and Elliot were by the King's Command sent to the Tower †; and two Days after the King went to the House of Lords, and spoke to them after the following Manner.

My

* I, II, III. were enlarged upon by Mr. Herbert. IV, V, by Mr. Selden. VI, VII, VIII. by Mr. Glanville. IX, X, XI, by Mr. Pym. XII, by Mr. Sherland. Rush I. p. 304. &c.

† Upon the Impeachment of the Duke, a Paper was privately conveyed to the King, importing, That this great Opposition against the Duke, was stirred up and maintained by such as sought the Destruction of this free Monarchy. That since the Time of Henry VI; these Parliamentary Discourings might never be suffered, as being Symptoms of Rebellions, and dethroning our King, and no one Patriot daring to oppose them, lest he incur the Reputation of a Fool or Coward in his Country's Cause. His Majesty therefore strengthened himself ever with some Favourite, as whom he might better trust than many of the Nobility, tainted with this Oligarchy. It behoves his Majesty to uphold the Duke, who if he be decourted, it will be the Corner-Stone on which the Demolishing of his Monarchy will be built. For if they prevail in this, they will pull the other Feathers of Royalty. They will appoint him Counsellors, Servants, &c. That the King and his Father are concerned in the Duke's Accusation; and if he suffers for obeying his Sovereign, the next Attempt will be to call the King to an Account, &c. Rush I. p. 356.

My Lords,

THE Cause, and only Cause of my coming to you *The King's*
 this Day, is to express the Sense I have of all your *Speech to*
 Honour, *the House*
 that toucheth any of you, toucheth me *of Lords.*
 in every great Measure. I have thought fit to take or- *Rush. I.*
 der for the punishing some insolent Speeches lately spoken. *P. 357.*
 I have been too remiss heretofore in punishing such Speeches
 as concern my self; not that I was greedy of their Mo-
 ney, but that Buckingham, through his importunity,
 would not suffer me to take notice of them, lest he might
 be thought to have set me on, and that he might come the
 forwarder to his Tryal. And to approve his Innocency as
 touching the Matters against him, I my self can be a Wit-
 ness to clear him in every one of them.

I speak not this to take any Thing out of your Hands;
 but to shew the Reason why I have not hitherto punished
 these Insolent Speeches against my self. And now I hope
 you will be as tender of my Honour, when Time shall serve,
 as I have been sensible of yours.

The King's Aim in this Speech, was first, to per- *The Intent*
 suade the Lords, they were all concerned in the dis- *of this*
 respectful Things spoken by the Managers against the *Speech.*
 Duke of Buckingham, and some other Members of
 their House, and that he had committed Diggs and El-
 liot to the Tower on purpose to vindicate their injured
 Honour. But he succeeded not in his Design. Se-
 condly, by offering to be a Witness for the Duke of
 Buckingham, and to clear his Innocence in every Arti-
 cle of his Impeachment, he proposed to the Lords, a
 kind of Dilemma, which he thought they would not
 be able to get clear of. For they must either declare
 the Duke Innocent upon the King's Evidence, or by
 condemning him, openly reject his Royal Testimony,
 which he imagined they would not easily be brought
 to do. But they were not imposed upon by this Ar-
 tifice, as we shall see afterwards.

The

1616.
The Commons desire the Duke may be committed.
The Commons make a great noise about the Imprisonment of their Members.

The King was no sooner departed from the House, but the Commons sent a Message to the Lords, to desire the Duke of Buckingham might be taken into safe Custody : But the Lords durst not commit him for fear of offending the King.

Mean while the Imprisonment of Diggs and Elliot made a terrible Impression upon the House of Commons, who considered it was an express Breach of their Privileges. One of the Court-Party *, observing the unusual [and as he termed it, sudden] Silence of the House, stood up and justified the King, saying, his Majesty conceived that Diggs went beyond his Commission, when speaking of the Plaster and Potion given to King James, he said, *That he did forbear to speak further in Regard to the King's Honour.* And as for Sir John Elliot, he affected to speak of the Duke with great Contempt, and in very injurious Terms. What displeased the King most was, That Elliot in speaking of the Plaster and Potion, used Expressions intimating as if there was something bidden, which it was not proper to reveal, and in so doing, exceeded the Commission he had received from the House.

Unluckily, there was nothing of Truth in what was ascribed to these two Members, but the little Respect they had shown for the Duke of Buckingham. For Elliot had not mentioned the Plaster or Potion, and Diggs had said nothing like what he was accused of. Wherefore, the House of Commons taking Advantage of these false Charges, ordered that all the Members there present should sign the following Protestation.

Protestation of the Commons.
Ruth I.
p. 360.

I protest before Almighty God, and this House of Parliament, that I never gave consent that Sir Dudley Diggs should speak these Words that he is now charged withal, or any Words to that Effect ; And I have not affirmed to any that he did speak such Words, or any to that Effect.

Besides

Besides this, Thirty-six Lords who were present at the Conference, where the Impachment of the Duke was brought in, attested under their Hands that they did not hear Sir Dudley Diggs speak any such Words. It followed therefore from the Testimony of the Lords, and the Protestation of the Commons, either that the King was falsely and maliciously informed, or that the Charge against Diggs was invented, in order to have an Opportunity of punishing him for speaking of the Duke in so disrespectful a manner.

Elliot's Crime was of the same Nature, that is, he had spoken of the Duke in uncivil Terms, though he was falsely accused of mentioning the *Plaster* in Terms injurious to the King. But the Commons took Care to clear their two Members, by declaring publicly, That neither of them had exceeded his Commission. All these Things did not make for the King's Honour, who seeing no Way to support what he had done, caused the two imprisoned Members to be released. In all Appearance, his Aim was to terrify the Commons, but he was disappointed.

Declaration of the same House.

The two Prisoners are released.

The Condescension the King had just shown for the Commons, drew upon him an Affair of the like Nature from the Lords. He had sent the Earl of *Arundel* to the Tower for much the same Crime as that of Diggs and *Elliot*, and the Lords had born it patiently. But when they saw the Commons had obtained the Enlargement of their Members, by insisting upon their Privileges, they thought proper to take this Occasion to maintain their Rights also. They presented therefore a Petition to the King, praying him to set the Earl of *Arundel* at Liberty, according to the Tenour of their Privileges. The King perceived how prejudicial to him this Petition was, in that the Lords pretended by Means of their Privileges, to set Bounds to the Prerogative-Royal. For which Reason it was a good While before he granted the Lords Request. There were several Remonstrances from the Lords to the King, and several Messages from the King to the Lords. Nay, the *Peers* went so far as to declare

The Lords demand the Earl of Arundel's Liberty. Rush. I. P 363.

The King denies it a good while.

1626.
Reasons on
both Sides.

declare that it was an express Breach of their Privileges, to imprison any of their Members, the Parliament Sitting, without Sentence or Decree of the *House*, and to resolve to take no other Business into Consideration till they had received Satisfaction. At last the King was fain to release the Prisoner, though much against his Will. As by the Custom of *England*, Members of Parliament are not privileged from Arrest in Cases of Treason or Felony, the King pretended the *House* of Lords ought not to take Exception at his having committed one of their Members. His Reason was, because the Prisoner might possibly be guilty of Felony or Treason, and consequently the *House* ought to wait till it should please the King to declare the Cause of his Imprisonment. But as under Colour of this Possibility, the King had sent the Earl of *Arundel* to the *Tower*, and had not yet declared the Cause, the Lords plainly saw that the Possibility alledged by the King, was but an Artifice to elude their most undoubted Privileges. So the King affirmed on one Hand, that as the untimely Discovery of a Treason might happen to be extremely prejudicial to the State, he could not allow to this pretended Privilege of the Members of Parliament, all the Extent required by the Lords, because there were Cases wherein for the good of the State, it was absolutely necessary to limit it. But the Lords replied, If on pretence of such Cases which were very rare, the King could imprison a *Peer* without the consent of the *House*, and without declaring the Cause, it would follow that in all sorts of Cases, he might detain a *Peer* in Custody as long as he pleased, and thereby abridge the Lords of their Privileges. If it is asked, how comes it that this Dispute was never started in the former Reigns? The Question is easy to be answered. For if a King happened to send a *Peer* to the *Tower*, the Parliament Sitting, either the Cause was known, or supposing it was not, the *House* took no Offence, because the Lords, not at all mistrusting the King, were under no Apprehensions that he

would draw it into a Precedent to abolish their Privilege. But the Matter was otherwise in the Reign of Charles I. Besides that it was well known the Earl of *Arundel* had been sent to the *Tower* only for speaking too freely in the *House* *. What the King's Principles were with Regard to the Privileges of the People, was no Secret; and it was manifest that upon a bare Possibility, he was endeavouring to establish a Principle which tended to render the Privilege in question entirely useless. And therefore the Lords seeing themselves warranted by the Example of the *Commons*, would not omit this Opportunity to maintain their Privilege.

Before the Duke of *Buckingham* had given in his Answer to the *Commons* Impeachment, the Chancellorship of the University of *Cambridge* becoming void by the Earl of *Suffolk's* Death, the King ordered it so that the Duke his Favourite was elected in the Room of the late Chancellor. The *House of Commons* were very much offended at this Election, accounting as a manifest Contempt the chusing the Duke whilst under an Impeachment, and when one of the Articles against him was the *Plurality of Offices*. Besides, they maintained that there was a sort of Contradiction in this Election, since the *University* themselves, by their Representatives in Parliament, had given their Consent to the Impeachment of the Duke. But the King openly and stoutly supported the Election in spite of the *Commons*.

Buckingham is chosen Chancellor of the University of Cambridge.
Ruth. I. p. 371.
The *Commons* are offended at it.

At length, on the 8th of *June*, the Duke gave in his Answer to the Impeachment entered against him by the *House of Commons*. As I have not given the Particulars of the Accusation, it would be needless to insert here the Answers which had a necessary reference

But the King supports the Duke.
The Duke gives in his Answer.
Ruth. I. p. 375.

* It does not appear that the Earl of *Arundel* was committed for any Thing said in the *House*, but as it is thought, for his Son's marrying the Duke of *Lenox's* Sister, whom the King designed for the Lord *Lena*. The Earl of *Arundel* had five *Proxies*, which were lost by his Imprisonment.

1626. ference to what was alledged against the Duke. This Affair having never been decided, it is easy to perceive, that as the Accusation was very much aggravated, so the Answers were palliated with great Care. The Proofs and Evidences of the Facts produced for or against, would be the only Means to come at the Truth : But Matters did not go so far. It will suffice therefore to say, That the Commons desiring a Copy of the Answer, the next Day the King wrote the following Letter to the Speaker.

“ TRUSTY and WELL-BELOVED, &c.

*The King's
Letter to
the Speaker
of the
House of
Com-
mons.
Rush. I.
p. 390.*

“ OUR *House of Commons* cannot forget how often and how earnestly we have called upon them for the speeding of that Aid which they intended us for our great and weighty Affairs, concerning the Safety and Honour of us and our Kingdoms : And now the Time being so far spent, that unless it be presently concluded, it can neither bring us Money nor Credit by the Time which themselves have fixed, which is the last of this Month, and being further deferred would be of little Use, we being daily advertised from all Parts of the great Preparations of the Enemy ready to assail us ; we hold it necessary by these our Letters to give them our last and final Admonition, and to let them know that we shall account all further Delays and Excuses to be express Denials. And therefore we will and require you to signify unto them, that we do expect that they forthwith bring in their Bill of Subsidy to be passed without Delay or Condition, so as it may fully pass the *House* by the End of the next Week at the furthest : Which if they do not, it will force us to take other Resolutions. But let them know, if they finish this according to our Desire, that we are resolved to let them sit together for the Dispatch of their other Affairs so long as the Season will permit, and after their Recess to bring them together again

“ again the next Winter. And if by their Denial or
 “ Delay, any Thing of ill Consequence shall fall out
 “ either at Home or Abroad, we call God and Man
 “ to Witness that we have done our part to prevent
 “ it, by calling our People together to advise with
 “ us, by opening the Weight of our Occasions unto
 “ them, and by requiring their timely Help and
 “ Assistance in those Actions wherein we stand en-
 “ gaged by their own Councils. And we will and
 “ command you that this Letter be ready publicly
 “ in the House”.

It was manifest, that this Letter written at the Time the Duke of *Buckingham's* Trial was going to be brought on, was but an Artifice to evade the same. For it was not possible that in Case the *Subsidy-Bill* was passed by the Time fixed by the King, the Duke's Affair could be dispatched by the same Time. It is true, the King promised to let the Parliament sit, so long as the Season would permit. But by that very Thing he reserved to himself the Liberty of pro-roguing it when he pleased, on pretence that the Season was too far advanced to sit any longer; and the rather as he feigned to press the Business of the *Subsidy* purely out of fear of a pretended Invasion wherewith he said the Kingdom was threatned. It was therefore to be expected that the Affair of the Duke of *Buckingham* would fall to the Ground, and that there would be a Necessity of Beginning it again in the next Session, seeing an End is put to all Matters by the Parliament's being prorogued.

The *Commons* not thinking fit to comply with the King's Will, presented a fresh Petition to him against *Popish Recusants*. This was to let the Publick see, that the King's Answer to the Petition of the *Oxford-Parliament* contained only empty Promises without being followed by any Effects. They had a Mind also to show that the Duke of *Buckingham's* ill Administration was not the only *Grievance* they wanted to be redressed. The Petition was as follows :

To

“ *To the King’s most excellent Majesty.*

The Com-
mons Pe-
tition to
the King
concerning
Recusants.
Ruth I.
p. 391.

“ YOUR Majesty’s most obedient and loyal
“ Subjects the *Commons* in this present Parlia-
“ ment assembled, do with great Comfort remember
“ the many Testimonies which your Majesty hath
“ given of your Sincerity and Zeal of the true Re-
“ ligion established in this Kingdom, and in particu-
“ lar your gracious Answer to both Houses of Parlia-
“ ment at *Oxford*, upon their Petition concerning the
“ Causes and Remedies of the Increase of Popery ;
“ That your Majesty thought fit, and would give
“ Order to remove from all Places of Authority and
“ Government, all such Persons as are either Popish
“ *Recusants*, or according to Direction of former
“ Acts of State justly to be suspected ; which was
“ then presented as a great and principal Cause of
“ that Mischief. But not having received so full Re-
“ dress herein as may conduce to the Peace of this
“ Church and Safety of this Regal State, They hold
“ it their Duty once more to resort to your sacred
“ Majesty, humbly to inform you, That upon Exa-
“ mination, they find the Persons under-written to
“ be either Recusants, Papists, or justly suspected
“ according to the former Acts of State, who now
“ do, or since the Sitting of the Parliament did re-
“ main in Places of Government and Authority, and
“ Trust, in your several Counties of this your Realm
“ of *England* and Dominion of *Wales*. ”

*Then followed a List of 59 Recusants, and suspected
Papists, who were in Places of Trust and Authority in
several Counties **

“ Wherefore they humbly beseech your Majesty
“ not to suffer your loving Subjects to continue any
“ longer

* Among whom were the Earl of *Rutland*, Viscounts *Montagu* and *Dunbar*, the Lords *Eyre*, *Abergavenny*, *Trenham*, *Wotton*, *Morley*, *Mordant*, *St. John of Basing*, *Scroop*. The rest were *Commoners*. Ruth. I. p. 392.

“ longer discouraged by the apparent Sense of that
 “ Increase both in Number and Power, which by the
 “ Favour and Countenance of such like ill-affected
 “ Governours accrueth to the Popish-Party; but
 “ that according to your own Wisdom, Goodness
 “ and Piety, (whereof they rest assured) you will
 “ be graciously pleased to command that Answer of
 “ your Majesty’s to be effectually observed, and the
 “ Parties above-named, and all such others to be put
 “ out of such Commissions and Places of Authority
 “ wherein they now are in your Majesty’s Realm of
 “ England, contrary to the Acts and Laws of States
 “ in that behalf”.

It redounded not to the King’s Honour to be pressed so often to perform what he had so positively promised. But it must be considered that it was not easy for him to withstand the Sollicitations and Intrigues of the Queen, of the Duke of *Buckingham*, whose Mother was a professed *Papist*, of Sir *Richard Weston* his chief Councillor, and of the Lord *Conway* Secretary of State, both *Papists*, since these were the Men that were nearest his Person, and by whom he was in a Manner beset.

A few Days after, the *Commons* resolved to go in a Body and wait upon the King, and present to him, by their Speaker, a Declaration of their Conduct, serving for Answer to his Letter, and a Petition to remove the Duke of *Buckingham* from his Person. The Audience they had desired being granted them, the Speaker, before he presented these two Papers, made the following Speech to him :

“ Most Gracious and Dread Sovereign,

“ A Ccording to that Liberty of Access, and Liberty
 “ of Speech which your Majesty and your
 “ Royal Progenitors have ever vouchsafed to your
 “ House of Commons, your Majesty’s most humble
 “ and loyal Subjects, the Commons now assembled

The Speaker’s Speech

so the King, upon his presenting to him the Petition and Declaration.

1626.

“ in Parliament, have been Suitors for this Access
“ to your Royal Throne.

“ And out of their Consideration of the Nature,
“ and of the Weight and Importance of the Business,
“ they have thought the Attendance of the whole
“ House, with their Speaker, not too solemn ; and
“ yet they have not thought fit barely to commit
“ those Words which express their Thoughts, to the
“ Trust of any Man’s Speech, but are bold to pre-
“ sent them in Writing to your gracious Hands,
“ that they may not vanish, but be more lasting
“ than the most powerful Words of a more able
“ Speaker are like to be.

“ I have much to read, and shall therefore as lit-
“ tle as I can, weary your Majesty with Speeches.

“ This Parchment contains two Things, the one
“ by way of Declaration, to give your Majesty an
“ Account, and humble Satisfaction of their clear and
“ sincere Endeavours and Intentions in your Majes-
“ ty’s Service ; and the other an humble Petition to
“ your Majesty, for the Removal of that great Per-
“ son the Duke of *Buckingham*, from Access to your
“ royal Presence.

“ For the first, They beseech your most excellent
“ Majesty to believe, that no earthly Thing is so dear
“ and precious to them, as that your Majesty should
“ retain them in your Grace and good Opinion ; and
“ it is Grief to them, beyond my Expression, that
“ any Misinformation or Misinterpretation, should
“ at any time render their Words or Proceedings
“ offensive to your Majesty.

“ It is not proper for any one to hear the Echo
“ of a Voice, that hears not the Voice ; and if E-
“ cho’s be sometimes heard to double and redouble,
“ the Echo of the Echo is still fainter, and sounds
“ not louder.

“ I need not make the Application, Words mis-
“ reported, though by an Echo, or but an Echo
“ of an Echo, at a third or fourth Hand, have oft
“ a louder Sound than the Voice it self, and may
“ sound

" sound Disloyalty, though the Voice had nothing
 " undutiful or disloyal in it.

" Such Mis-informations, they fear, have begot
 " those Interruptions and Diversions which have de-
 " layed the Ripening and Expediting of those great
 " Counsels, which concern your Majesty's important
 " Service, and have enforced this Declaration.

" I pass from that to the Petition, in which my
 " Purpose is not to urge those Reasons, which your
 " Majesty may hear expressed in their own Words in
 " the Language of the People.

" I am only directed to offer to your great Wis-
 " dom, and deep Judgement, that this Petition of
 " theirs is such, as may stand with your Majesty's
 " Honour and Justice to grant.

" Your Majesty hath been pleased to give many
 " Royal Testimonies and Arguments to the World,
 " how good and gracious a Master you are; and
 " that which the Queen of Sheba once said to the
 " wisest King, may without Flattery be said to your
 " Majesty, *Happy are those Servants which stand con-*
 " *tinually before you.*

" But the Relations by which your Majesty stands
 " in a gracious Aspect towards your People, do far
 " transcend, and are more prevalent and binding,
 " than any Relation of a Master towards a Servant;
 " and to hear and satisfy the just and necessary De-
 " sires of your People, is more honourable than any
 " Expression of Grace to a Servant.

" To be a Master of a Servant is communicable to
 " many of your Subjects; to be a King of People,
 " is regal and incommunicable to Subjects.

" Your Majesty is truly stiled with that Name,
 " which the greatest Emperours, though they bor-
 " rowed Names and Titles from those Countries
 " which they gained by Conquest, most delighted in,
 " *Pater Patriæ.* And Desires of Children are pre-
 " ferred before those of Servants, and the Servant
 " abideth not in the House for ever, but the Son
 " abideth ever.

1626.

“ The Government of a King was truly termed by
 “ your Royal Father, A politic Marriage between
 “ him and his People; and I may safely say, There
 “ was never a better Union between a married Pair,
 “ than is between your Majesty and your People ”.

*The King
 resolves to
 dissolve the
 Parlia-
 ment.*

Having ended his Speech, the Speaker put into the King's Hands the Declaration and Petition, which his Majesty was so displeased with, that he came to a Resolution to dissolve the Parliament. The *Commons* having Intimation of it, resolved to present a Remonstrance to him, of which every Member was ordered to have a Copy. Whilst this Remonstrance was preparing, the Lords being informed by the King himself of his Resolution, presented a Petition to him to divert him from his Purpose. But he would hearken to nothing, and on the 15th of *June* caused the Parliament to be dissolved by a Commission under the Great-Seal.

*The Lords
 try in vain
 to divert
 him from
 it.*

Rush.

Vol. I.

P. 398.

*The Par-
 liament is
 dissolved.
 June 15.*

No body doubted but the Duke of *Buckingham's* Interest was the sole Cause of this Dissolution. The *Commons* were so persuaded of it, that they chiefly insisted upon the great Prejudice the Duke's Credit occasioned to the Kingdom, in the Remonstrance they had prepared, but were hindered from presenting by the Dissolution of the Parliament. It will not be amiss however to insert it here at length.

‘ *Most gracious Sovereign,*

*A Remon-
 strance
 drawn by
 the Com-
 mons.
 Rush.
 Vol. I.
 P. 400.*

‘ **W**E your loyal and faithful Subjects, the Com-
 ‘ mons assembled by your Majesty's most
 ‘ Royal Authority in this present Parliament, having
 ‘ with all dutiful Affection from the Time of our first
 ‘ Meeting, earnestly endeavoured to proceed speedi-
 ‘ ly in those Affairs, that might best and soonest con-
 ‘ duce to our Dispatch of the intended Supply of
 ‘ your Majesty's great Designs, to the Enlarge-
 ‘ ment of your Support, and to the Enabling of
 ‘ our selves, and them whom we represent, to the
 ‘ full

' full and timely Performance of the same ; have
 ' notwithstanding, by reason of divers Informations,
 ' Interruptions, and other Preventions, been hitherto
 ' so retarded in the Prosecution of these Affairs, that
 ' we now thought it a necessary Part of our most hum-
 ' ble Duties thus to declare, both those Interrupti-
 ' ons and Preventions, with the true Original and
 ' continual Cause of them ; as also our most earnest
 ' Devotion of the Parliamentary Service of your most
 ' excellent Majesty, and of the careful Safety and
 ' Defence of your Dominions, Crown and Dignity ;
 ' And we most humbly therefore beseech your most
 ' excellent Majesty, to be graciously here to cast
 ' your Eye on some Particulars, that have relation
 ' as well to your first Parliament as to this ; out
 ' of which we cannot doubt, but that your great
 ' Goodness may receive an ample Satisfaction touch-
 ' ing our most loyal and faithful Intentions.

' In the first Parliament of the first Year of your
 ' Majesty's most happy Reign over us, the Commons
 ' then assembled, after they had cheerfully presented
 ' to your Majesty, as the First-fruits of their Af-
 ' fections, two entire Subsidies, were exceedingly
 ' pressed by the Means of the Duke of *Buckingham*,
 ' and for his own Ends, as we conceive, to enlarge
 ' that Supply : which when he conceived would not
 ' be there effected, he procured, for the same Ends,
 ' from your Majesty, an Adjournment of the Par-
 ' liament to the City of *Oxford* ; where the Com-
 ' mons then taking into just Consideration the great
 ' Mischiefs which this Kingdom variously hath suf-
 ' fered, and that chiefly by reason of the exorbitant
 ' Power, and frequent Misdoings of the said Duke,
 ' were entring into a Parliamentary Course of Ex-
 ' amination of those Mischiefs, Power and Misdo-
 ' ings : But no sooner was there any Mention made
 ' of his Name to this purpose, but that he, fearing
 ' lest his Actions might so have been too much laid
 ' open to the View of your most excellent Majesty,
 ' and to the just Censure that might then have fol-
 ' lowed,

1626.

lowed, presently, through his Informations to your Majesty, of the Intentions of your said Commons, (as we have just Cause to believe) procured a Dissolution of the said Parliament: And afterwards also in the same Year, through diverse Misreports made to your Majesty in his behalf, touching some Members of the said Commons, who had more particularly drawn his Name into just question, and justly professed themselves averse to his Ends there, procured (as we cannot but conceive) the said Members to be made the Sheriffs of several Counties for this Year that followed, to the End that they might have all been precluded from being chosen Members of the present Parliament, lest they should again have there questioned him; and by the like Practice also (as we are persuaded) he procured, soon after the said Dissolution, another Member * of the said House, because he had justly professed himself against his Ends, to be sent as Secretary of your Majesty's last Fleet, hereby indeed to punish him, by such drawing him from his Practice of the Law which was his Profession, under colour of an honourable Employment:

It pleased your Majesty afterwards, in *February* last, to call this present Parliament, wherein though none of those whom the said Duke had so procured to be made High-Sheriffs have sat as Members; yet we finding in our selves the like Affection, first to the Service of your Majesty, and next to the Good of the Commonwealth, we took into serious Consideration several Propositions, how for the Safety and Happiness of your Majesty's Kingdoms and Allies, we might enlarge your Supports, and add to the military Strength without Charge to the poorer Sort of your Subjects, and give a larger Supply to your Majesty for your instant and pressing Occasions, than hath ever yet but once been given in Parliament: Whereupon, for the Enabling
of

* *Mr. Glanville.*

' of our selves, and those whom we represent, we
 ' conceive it first necessary to search into the Causes
 ' of those Mischiefs which this your Kingdom suf-
 ' fereth, and divers of the Grievances that over-
 ' burden your Subjects; without doing of which,
 ' we could neither be faithful to your Majesty, nor
 ' to the Country that doth trust and employ us,
 ' as your Royal Father also, of blessed Memory,
 ' admonished the House of Commons in the Fourth
 ' Session of his first Parliament. In this Considera-
 ' tion we found, that the most pressing and com-
 ' prehensive Mischief and Grievance that he suffered,
 ' was fundamentally settled in the vast Power and
 ' enormous Actions of the said Duke, being such,
 ' that by reason of his Plurality of Offices, all got-
 ' ten by Ambition, and some for Money, expressly
 ' against the Laws of your Realm; his Breach of
 ' Trust, in not guarding the Seas; his high Injustice
 ' in the Admiralty; his Extortion; his delivering
 ' over the Ships of this Kingdom into the Hands of
 ' a foreign Prince; his procuring the compulsory
 ' Buying of Honour for his own Gain; his unex-
 ' ampled exhausting of the Treasures and Revenues
 ' of the Kingdom; his transcendent Presumption of
 ' that unhappy applying of Physick to your Royal
 ' Father of blessed Memory, few Days before his
 ' Death, and some other his Offences carefully and
 ' maturely examined by us, we made a Parliamen-
 ' tary Charge of the same Matters and Offences a-
 ' gainst him, to the Lords, by your Majesty as-
 ' sembled in Parliament, there expecting some Re-
 ' medy by a speedy Proceeding against him: But,
 ' may it please your most excellent Majesty, not only
 ' during the Time of our Examination of the Mat-
 ' ters and Offences of the same Charge, we were
 ' diversly interrupted and diverted by Messages pro-
 ' cured through Mis-information from your Majesty,
 ' which with most humble Duty and Reverence we
 ' did ever receive; whence it first fell out, that so not
 ' only much time was spent amongst us, before the

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' same Charge was perfected, but also within two
 ' Days next after the same Charge was transmitted
 ' by us to the Lords : Upon untrue and malicious
 ' Mis-informations, privately and against the Pri-
 ' vilege of Parliament, given to your Majesty of
 ' certain Words supposed to have been spoken by
 ' Sir *Dudley Diggs* and Sir *John Elliot* Knights, two
 ' of the Members of our House, in their Service
 ' of the transmitting of the said Charge, both of
 ' them having been especially employed in the
 ' Chairs of Committees with us, about the Examina-
 ' tion of the said Matters and Offences, they were
 ' both by your Majesty's Command committed to
 ' close Imprisonment in the *Tower of London*, and
 ' their Lodgings presently searched, and their Papers
 ' there found, presently taken away ; by reason
 ' whereof, not only our known Privileges of Parlia-
 ' ment were infringed, but we our selves, that upon
 ' full Hope of speedy Course of Justice against the
 ' said Duke, were preparing with all dutiful Affec-
 ' tion to proceed to the Dispatch of the Supply, and
 ' other Services to your Majesty, were wholly, as
 ' the Course and Privilege of Parliament binds us,
 ' diverted for divers Days, to the Taking only into
 ' Consideration some Courses for the Ratifying and
 ' Preservation of the Privileges so infringed ; and we
 ' think it our Duties, most gracious Sovereign, most
 ' rightly to inform hereby your most excellent Ma-
 ' jesty, of the Course held in the Commitment of
 ' the two Members : For whereas by your Majesty's
 ' Warrant to your Messengers for the Arresting of
 ' them, you were pleased to command, that they
 ' should repair to their Lodgings, and there take
 ' them ; your Majesty's principal Secretary, the
 ' Lord *Conway*, gave the said Messengers (as they
 ' affirmed) an expresse Command, contrary to the
 ' said Warrants, that they should not go to their
 ' Lodgings, but to the House of Commons, and
 ' there take them ; and if they found them not
 ' there, they should stay until they were come into
 ' the

the House, and apprehend them wheresoever else they should find them. Which besides that it is contrary to your Majesty's Command, is an apparent Testimony of some mischievous Intention there had against the whole House of Commons, and against the Service intended to your Majesty. All which, with the several Interruptions that preceded it, and the Mis-information that hath caused all of them, we cannot doubt but that they were wrought and procured by the Duke, to his own Behoof, and for his Advantage, especially because the said Interruptions have, through Mis-information, come amongst us, only at such Times wherein we have had the Matters and Offences charged against him in Agitation ; but your Majesty, out of your great Goodness and Justice, being afterwards informed truly of our Privilege, and the Demerit of the Cause that concerned our said two Members, graciously commanded the Delivery of them out of the *Tower*, for which we render unto your Majesty most humble Thanks ; and were then again, by Reason of our Hopes of the Dispatch of Proceedings with the Lords, upon our Charge against him the said Duke, in a chearful Purpose to go on with the Matter of Supply, and other Services to your Majesty, when again these Hopes failed in us, by Reason of some new Exorbitancies now lately shewed in the Exercise of his so great Power and Ambition ; for by such his Power and Ambition, notwithstanding our Declaration against him for his so great Plurality of Offices, he also procured to himself, by the Solicitation of his Agents, and of such as depended upon him, the Office of Chancellor of the University of *Cambridge* ; whereas the same University having two Burgeesses in Parliament, did, by the same Burgeesses, a few Weeks before, consent with us in the Charge against him for his Ambition, for procuring such a Plurality of Offices ; such was his Ambition to sue for it, such was his Power

1626. ‘ Power to make them give it him, contrary to
 ‘ what themselves had agreed in Parliament with all
 ‘ the Commons of *England*. And he procured also
 ‘ the same Office, by the special Labours and En-
 ‘ deavours (as we are informed) of a factious Party,
 ‘ who adhereth to that dangerous Innovation of Re-
 ‘ ligion, published in the seditious Writings of one
 ‘ *Richard Montague* Clerk ; of whom it is thence
 ‘ also, and heretofore upon other Reasons it hath
 ‘ been conceived, that the said Duke is, and long
 ‘ hath been an Abettor and Protector.

‘ These Actions of the said Duke thus among us,
 ‘ hindered the Service of your Majesty, by Reason
 ‘ both of the Interruptions that have so necessarily
 ‘ accompanied them, and of the Prevention of
 ‘ our Chearfulness, which otherwise had long since
 ‘ been most effectually shewed in us, that having
 ‘ nothing else in our Cares, next to our Duty to
 ‘ God, but the Loyal Service of your Majesty, the
 ‘ Safety of your Kingdom, and the Subsistence of
 ‘ our selves and those whom we represent, for the
 ‘ Continuance of that Service and Safety which we
 ‘ cannot hope for : And we beseech your most ex-
 ‘ cellent Majesty, graciously to receive this our
 ‘ humble and free Protestation, That we cannot
 ‘ hope for it, so long as we thus suffer under the
 ‘ Pressures of the Power and Ambition of the said
 ‘ Duke, and the divers and false Informations so gi-
 ‘ ven to your Majesty on his Behalf, and for his Ad-
 ‘ vantage ; especially when we observe also, that in
 ‘ such his Greatness, he preventeth the giving of
 ‘ true Information to your Majesty, in all Things
 ‘ that may any Ways reflect on his own Misdoings,
 ‘ to shew unto your Majesty the true State of your
 ‘ Subjects and Kingdoms, otherways than as it may
 ‘ be represented for his own Ends. And to that
 ‘ purpose also hath he procured so many Persons de-
 ‘ pending on him, either by Alliance or Advance-
 ‘ ment, to Places of Eminency near your sacred
 ‘ Person. Through his Mis-informations of that

kind also, and Power, we have seen, to our great Grief, both in the Time of your Majesty's Royal Father of blessed Memory, and of your Majesty, divers Officers of the Kingdom, so often by him displaced and altered, that within these few Years past, since the Beginning of his Greatness, more such Displacings and Alterations have by his Means happened, than in many Years before them : Neither was there in the Time of your Royal Father of blessed Memory, any such Course held, before it was by the Practice of the said Duke, thus induced. And since that Time, divers Officers of the Crown, not only in this your Kingdom of *England*, but also in *Ireland*, as they have been made Friends or adverse to the said Duke have been either so commended, or misrepresented by him to his Sovereign, and by his Procurement so placed or displaced, that he hath always herein, as much as in him lay, made his own Ends and Advantage the Measure of the Good or Ill of your Majesty's Kingdoms.

But now at length, may it please your most excellent Majesty, we have received from the Lords a Copy of the said Duke's Answer to our Charge transmitted against him ; whereunto we shall presently in such sort reply, according to the Laws of Parliament, that unless his Power and Practice again undermine our Proceedings, we do not doubt but we shall upon the same have Judgment against him.

In the Times also (most gracious Sovereign) of these Interruptions which came amongst us, by Reason of the Procurement of two of our Members committed, a gracious Message was formerly received from your Majesty, wherein you had been pleased to let us know, That if you had not a timely Supply, your Majesty would betake your self to new Counsels ; which we cannot doubt were intended by your most excellent Majesty to be such as stood with Justice and the Laws of this Realm.

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‘ Realm. But these Words, *New Counsels*, were re-
 ‘ membred in a Speech made amongst us by one of
 ‘ your Majesty’s Privy-Council, and lately a Mem-
 ‘ ber of us, who in the same Speech told us, He
 ‘ had often thought of those Words, *New Counsels* ;
 ‘ That in his Consideration of them, he remembred
 ‘ that there were such kinds of Parliaments antient-
 ‘ ly among other Nations, as are now in *England* ;
 ‘ That in *England* he saw the Country-People live
 ‘ in Happineſs and Plenty, but in theſe other Nati-
 ‘ ons he ſaw them poor both in Perſons and Habit,
 ‘ or to that Effect ; which State and Condition hap-
 ‘ pened (as he ſaid) to them, where ſuch *New*
 ‘ *Counsels* were taken, as that the Uſe of their Parlia-
 ‘ ments ended.

‘ This Intimation, may it pleaſe your Maſteſty,
 ‘ was ſuch, as alſo gave juſt Cauſe to fear there
 ‘ were ſome ill Miniſters near your Maſteſty, that in
 ‘ behalf of the ſaid Duke, and together with him,
 ‘ who is ſo ſtrangely powerful, were ſo much againſt
 ‘ the Parliamentary Courſe of this Kingdom, as
 ‘ they might perhaps adviſe your moſt excellent Ma-
 ‘ jeſty ſuch new Counſels as theſe, that fell under
 ‘ the Memory and Consideration of that Privy-Coun-
 ‘ cellor. And one eſpecial Reaſon among others
 ‘ hath increaſed that Fear among us, for that
 ‘ whereas the Subſidies of *Tonnage* and *Poundage*,
 ‘ which determined upon the Death of your moſt
 ‘ Royal Father, our late Sovereign, and were never
 ‘ payable to any of your Maſteſty’s Anceſtors, but
 ‘ only by a ſpecial Act of Parliament, and ought
 ‘ not to be levied without ſuch an Act ; yet ever
 ‘ ſince the Beginning of your Maſteſty’s happy Reign
 ‘ over us, the ſaid Subſidies have been levied by
 ‘ ſome of your Maſteſty’s Miniſters, as if they were
 ‘ ſtill due ; although alſo one Parliament hath been
 ‘ ſince then begun, and diſſolved by Peocurement
 ‘ of the ſaid Duke, as is before ſhewed, wherein no
 ‘ Act paſſed for the ſame Subſidies. Which Example
 ‘ is ſo much againſt the conſtant uſe of former Times,
 ‘ and

‘ and the known Right and Liberty of your Subjects, that it is an apparent Effect of some new Counsels given against the antient settled Course of Government of this your Majesty’s Kingdom, and chiefly against the Right of your *Commons*; as if there might be any Subsidy, Tax or Aid levied upon them, without their Consent in Parliament, or contrary to the settled Laws of this Kingdom. But if any such do so ill an Office, as by the Misrepresentation of the State, and Right of your Majesty’s Loyal Subjects, advise any such new Counsels as the levying any Aid, Tax, or Subsidy, among your People, contrary to the settled Laws of your Kingdom, we cannot, most gracious Sovereign, but esteem them that shall so advise, not only as Vipers, but Pests to their King and Commonwealth, (as all such were to both Houses of Parliament expressly stiled by your most Royal Father) but also Capital Enemies, as well to your Crown and Dignity, as to the Commonwealth. And we shall for our Parts in Parliament shew, as occasion shall require, and be ready to declare their Offences of this kind, such as may be rewarded with the highest Punishment, as your Laws inflict on any Offenders.

‘ These, and some of these Things, amongst many other, (most gracious Sovereign,) are those which have so much prevented a right Understanding between your Majesty and us, and which have possessed the Hearts of your People and loyal Commons with unspeakable Sorrow and Grief, finding apparently all humble and hearty Endeavours misinterpreted, hindered, and now at last almost frustrated utterly, by the Interposition of the excessive and abusive Power of one Man; against whom we have just Cause to protest, not only in Regard of the Particulars wherewith he hath been charged, which Parliamentary way we are enforced to insist upon, as Matters which lie in our notice and proof, but also because we apprehend
‘ him

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‘ him of so unbridled Ambition, and so averse to
 ‘ the Good and Tranquillity of the Church and State,
 ‘ that we verily believe him to be an Enemy to both :
 ‘ And therefore unless we would betray our own
 ‘ Duties to your Majesty, and those from whom we
 ‘ are trusted, we cannot but express our infinite
 ‘ Grief, that he should have so great Power and In-
 ‘ terest in your Princely Affections, and under your
 ‘ Majesty wholly in a manner to engross to himself
 ‘ the Administration of your Affairs of the King-
 ‘ dom, which by that Means is drawn into a Condi-
 ‘ tion most miserable and hazardous.

‘ Give us then Leave, most dear Sovereign, in the
 ‘ Name of all the Commons of this your Kingdom,
 ‘ prostrate at the Feet of your most sacred Majesty,
 ‘ most humbly to beseech you, even for the Ho-
 ‘ nour of Almighty God, whose Religion is directly
 ‘ undermined by the practice of that Party whom
 ‘ this Duke supports ; For your Honour, which
 ‘ will be much advanced in the relieving of your
 ‘ People in this their great and general Grievance ;
 ‘ for the Honour, Safety, and Welfare of
 ‘ your Kingdom, which by this Means is threatened
 ‘ with almost unavoidable Dangers ; and for the
 ‘ Love which your Majesty, as a good and loving
 ‘ Father, bears unto your good People, to whom
 ‘ we profess, in the Presence of Almighty God (the
 ‘ Searcher of all Hearts,) you are as highly esteemed
 ‘ and beloved as ever any of your Predecessors were,
 ‘ that you would be graciously pleased to remove this
 ‘ Person from Access to your sacred Presence, and
 ‘ that you would not ballance this one Man with all
 ‘ these Things, and with the Affairs of the Christian
 ‘ World, which do all suffer so far as they have re-
 ‘ lation to this Kingdom, chiefly by his Means.
 ‘ For we protest to your Majesty, and to the whole
 ‘ World, that untill this great Person be removed
 ‘ from intermeddling with the great Affairs of State,
 ‘ we are out of hope of any good Success ; and do
 ‘ fear that any Money we shall or can give, will
 ‘ through

‘ through his Mis-employment, be turned rather to
 ‘ the hurt and prejudice of this your Kingdom, than
 ‘ otherwise, as by lamentable Experience we have
 ‘ found, in those large Supplies we have formerly
 ‘ and lately given.

‘ But no sooner shall we receive Redress and Re-
 ‘ lief in this, (which of all others, is our most in-
 ‘ supportable Grievance,) but we shall forthwith
 ‘ proceed to accomplish your Majesty’s own Desire,
 ‘ for Supply, and likewise with all Cheerfulness ap-
 ‘ ply our selves to the perfecting of divers other
 ‘ great Things, such as we think no one Parliament
 ‘ in one Age can parallel, tending to the Stability,
 ‘ Wealth, and Strength, and Honour of this your
 ‘ Kingdom, and the Support of your Friends and
 ‘ Allies abroad : And we doubt not but through
 ‘ God’s Blessing, as you are the best, so shall you
 ‘ ever be the best beloved, and greatest Monarch
 ‘ that ever sat on the Royal Throne of this famous
 ‘ Kingdom”.

Having seen the Complaints of the House of *Com-
 mons* against the Duke of *Buckingham*, or rather a-
 gainst the King himself, who was governed by his
 Favourite, and who had several Times declared that
 the Duke did nothing without his Orders, it is but
 just that we should now see the King’s Complaints
 against the *Commons*, and the Grounds and Causes of
 his dissolving this, and the former Parliamept. Though
 the Declaration which he published on this Occasion
 be somewhat long, as well as the Remonstrance, I
 believed it necessary to insert the whole, that the Rea-
 der by comparing them together, may be able to
 form a clearer Notion of the Springs and Causes of
 the Divisions between the King and the Parliament
 through the whole Course of this Reign.

‘ The KING’S DECLARATION,

‘ *Notifying the Causes of assembling and*
‘ *dissolving the two last Parliaments.*June 13.
Ruth.
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P. 406.

‘ THE King’s most excellent Majesty, since his
‘ happy access to the Imperial Crown of this
‘ Realm, having by his Royal Authority summon-
‘ ed and assembled two several Parliaments; the
‘ first whereof was in *August* last, by Adjournment
‘ held at *Oxford*, and there dissolved; and the other
‘ begun in *February* last, and continued until the
‘ Fifteenth Day of this present Month of *June*, and
‘ then, to the unspeakable Grief of himself, and (as
‘ he believeth) of all his good and well-affected Sub-
‘ jects, dissolved also: Although he well knoweth
‘ that the Calling, Adjourning, Proroguing, and
‘ Dissolving of Parliaments, being his great Coun-
‘ cil of the Kingdom, do peculiarly belong unto
‘ himself by an undoubted Prerogative inseparably
‘ united to his Imperial Crown; of which, as of
‘ his other Royal Actions, he is not bound to give
‘ an account to any but to God only, whose imme-
‘ diate Lieutenant and Vicegerent he is in these
‘ Realms and Dominions, by the Divine Providence
‘ committed to his Charge and Government: Yet
‘ forasmuch as by the Assistance of the Almighty,
‘ his purpose is so to order himself and all his Acti-
‘ ons, especially in the great and publick Actions of
‘ State, concerning the Weal of his Kingdoms, as
‘ may justify themselves, not only to his own Con-
‘ science, and to his own People, but to the whole
‘ World; his Majesty hath thought it fit and ne-
‘ cessary, as the Affairs now stand both at Home
‘ and Abroad, to make a true, plain, and clear De-
‘ claration of the Causes which moved his Majesty
‘ to assemble, and after enforced him to dissolve
‘ these Parliaments; that so the Mouth of Ma-
‘ lice

‘lice it self may be stopped, and the Doubts and
 ‘Fears of his own good Subjects at Home, and of his
 ‘Friends and Allies Abroad may be satisfied, and
 ‘the deserved Blame of so unhappy Accidents may
 ‘justly light upon the Authors thereof.

‘When his Majesty, by the Death of his Dear and
 ‘Royal Father of ever blessed Memory first came
 ‘to the Crown, he found himself engaged in a War
 ‘with a potent Enemy; not undertaken rashly, nor
 ‘without just and honourable Grounds, but en-
 ‘forced for the necessary Defence of himself and his
 ‘Dominions, for the Support of his Friends and Al-
 ‘lies, for the Redeeming of the antient Honour of
 ‘this Nation, for the Recovering of the Patrimony of
 ‘his dear Sister, her Consort, and their Children, in-
 ‘juriously, and under colour of Treaties and Friend-
 ‘ship, taken from them, and for the Maintenance of
 ‘the true Religion, and invited thereunto, and en-
 ‘couraged therein by the humble Advice of both
 ‘the Houses of Parliament, and by their large
 ‘Promises and Protestations to his late Majesty, to
 ‘give him full and real Assistance in those Enter-
 ‘prizes, which were of so great Importance to this
 ‘Realm, and to the general Peace and Safety of all
 ‘his Friends and Allies: But when his Majesty en-
 ‘tered into a View of his Treasure, he found how it
 ‘provided he was to proceed effectually with so
 ‘great an Action, unless he might be assured to re-
 ‘ceive such Supplies from his loving Subjects, as
 ‘might enable him to manage the same.

‘Hereupon his Majesty, being willing to tread in
 ‘the Steps of his Royal Progenitors, for the Ma-
 ‘king of good and wholesome Laws for the better Go-
 ‘vernment of his People, for the right understand-
 ‘ing of their true Grievances, and the Supply of
 ‘Moneys to be employed for those publick Services,
 ‘he did resolve to summon a Parliament with all
 ‘convenient Speed he might; and finding a former
 ‘Parliament already called in the Life of his Fa-
 ‘ther, he was desirous, for the speedier Dispatch of
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his weighty Affairs, and gaining of Time, to have continued the same without any Alteration of the Members thereof, had he not been advised to the contrary by his Judges and Council at Law ; for that it had been subject to question in Law, which he desired to avoid. But as soon as possible he could, he summoned a new Parliament, which he did with much Confidence and Assurance of the Love of his People, that those (who had not long before, with some Importunity, won his Father to break off his former Treaties with *Spain*, and to effect it, had used the Mediation of his now Majesty, being then Prince, and a Member of the Parliament, and had promised in Parliament their utmost Assistance, for the enabling of his late Majesty to undergo the War, which they then foresaw might follow.)

This Parliament (after some Adjournment, by Reason of his Majesty's unavoidable Occasions interposing) being assembled on the Eighteenth Day of *June*, it is true, that his Commons in Parliament taking into their due and serious Consideration the manifold Occasions, which at his first Entry did press his Majesty, and his most important Affairs, which both at Home and Abroad were then in Action, did with great Readiness and Alacrity, as a Pledge of their most bounden Duty and Thankfulness, and as the First-fruits of the most dutiful Affections of his loving and loyal Subjects, devoted to his Service, present his Majesty with the free and chearful Gift of two entire Subsidies : Which their Gift, and much more the Freedom and Heartiness expressed in the giving thereof, his Majesty did thankfully and lovingly accept : But when he had more narrowly entered into the Consideration of his great Affairs, wherein he was embarked, and from which he could not, without much dishonour and disadvantage withdrawn his Hand, he found that this Sum of Money was much short of that which of Necessity must be presently

‘ sently expended, for the setting forward of those
 ‘ great Actions, which by Advice of his Council, he
 ‘ had undertaken, and were that Summer to be pur-
 ‘ sued. This his Majesty imparted to his Commons
 ‘ House of Parliament; but before the same could
 ‘ receive that Debate and due Consideration which
 ‘ was fit, the fearful Visitation of the Plague in and
 ‘ about the Cities of *London* and *Westminster*, where
 ‘ the Lords and the principal Gentlemen of Quality
 ‘ of his whole Kingdom were, for the Time of this
 ‘ their Service, lodged and abiding, did so much in-
 ‘ crease, that his Majesty, without extreme Peril to
 ‘ the Lives of his good Subjects, which were dear
 ‘ unto him, could not continue the Parliament any
 ‘ longer in that Place.

‘ His Majesty therefore on the eleventh Day of
 ‘ *July* then following, adjourned the Parliament
 ‘ from *Westminster*, untill the first Day of *August* then
 ‘ following, at the City of *Oxford*. And his High-
 ‘ ness was so careful to accommodate his Lords and
 ‘ Commons there, that as he made choice of that
 ‘ Place, being then the freest of all other from the
 ‘ Danger of that grievous Sicknes, so he there fitted
 ‘ the Parliament-men with all Things convenient for
 ‘ their Entertainment: And his Majesty himself be-
 ‘ ing in his own Heart sincere and free from all
 ‘ Ends upon his People, which the Searcher of Hearts
 ‘ best knoweth, he little expected that any Miscon-
 ‘ struction of his Actions would have been made as he
 ‘ there found. But when the Parliament had been a
 ‘ while assembled, and his Majesty’s Affairs opened
 ‘ unto them, and a further Supply desired as Necessi-
 ‘ ty required, he found them so slow, and so full
 ‘ of Delays and Diversions in their Resolutions, that
 ‘ before any Thing could be determined, the fearful
 ‘ Contagion daily increased, and was dispersed into
 ‘ all Parts of this Kingdom, and came Home even to
 ‘ their Doors where they assembled. His Majesty
 ‘ therefore rather preferred the Safety of his People
 ‘ from that present and visible Danger, than the pro-
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1626. 'viding for that which was more remote, but no less
' dangerous to the State of this Kingdom, and of
' the Affairs of that part of Christendom which then
' were, and yet are in Friendship and Alliance with
' his Majesty. And thereupon his Majesty, not be-
' ing then able to discern when it might please God
' to stay his Hand of Visitation, nor what Place
' might be more secure than other, at a Time con-
' venient for their reassembling, his Majesty dissolved
' that Parliament.

' That Parliament being now ended, his Majesty
' did not therewith cast off his Royal Care of his
' preat and important Affairs; but by the Advice of
' his Privy-Council, and of his Council of War, he
' continued his Preparations and former Resoluti-
' ons; and therein not only expended those Moneys
' which by the two Subsidies aforesaid were given
' unto him for his own private Use, whereof he had
' too much occasion, as he found the State of his
' *Exchequer* at his first Entrance, but added much
' more of his own, as by his Credit, and the Credit
' of some of his Servants, he was able to compass the
' same. At last by much Disadvantage, by the Re-
' tarding of Provisions, and Uncertainty of the
' Means, his Navy was prepared and set to Sea, and
' the Designs unto which they were sent, and espe-
' cially directed, were so probable, and so well
' advised, that had they not miscarried in the Exe-
' cution, his Majesty is well assured they would have
' given good Satisfaction, not only to his own Peo-
' ple, but to all the World, that they were not light-
' ly or unadvisedly undertaken and pursued. But it
' pleased God, who is the Lord of Hosts, and un-
' to whose Providence and good Pleasure his Ma-
' jesty doth, and shall submit himself, and all his
' Endeavours, not to give that Success which was
' desired: And yet were those Attempts not altoge-
' ther so fruitless as the Envy of the Times hath ap-
' prehended, the Enemy receiving thereby no small
' Loss, nor our Party no little Advantage. And it
' would

‘ would much avail to further his Majesty’s great
 ‘ Affairs, and the Peace of Christendom, which
 ‘ ought to be the true End of all Hostility, were
 ‘ these first Beginnings, which are most subject to
 ‘ miscarry, seconded and pursued, as his Majesty in-
 ‘ tended, and as in the Judgement of all Men, con-
 ‘ versant in his Actions of this Nature, were fit not
 ‘ to have been neglected.

‘ These things being thus acted, and God of his
 ‘ infinite Goodness, beyond Expectation, asswaging
 ‘ the Rage of the Pestilence, and, in a Manner, of a
 ‘ sudden restoring Health and Safety to the Cities of
 ‘ *London* and *Westminster*, which are the fittest Places
 ‘ for the Resort of his Majesty, his Lords and Com-
 ‘ mons to meet in Parliament; his Majesty in the
 ‘ Depth of Winter, no sooner descried the Probabi-
 ‘ lity of a safe Assembling of his People, and in his
 ‘ Princely Wisdom and Providence foresaw, that if
 ‘ the Opportunity of Season should be omitted, Pre-
 ‘ parations both Defensive and Offensive could not
 ‘ be made in such sort as was requisite for their
 ‘ common Safety, but he advised and resolved on the
 ‘ Summoning of a new Parliament, where he might
 ‘ freely communicate the Necessities of the State,
 ‘ and the Counsel and Advice of the Lords and
 ‘ Commons in Parliament, who were the Represen-
 ‘ tative Body of the whole Kingdom, and the great
 ‘ Counsel of the Realm, might proceed in these En-
 ‘ terprizes, and be enabled thereunto, which con-
 ‘ cern the common Good, Safety and Honour both
 ‘ of Prince and People; and accordingly the 6th
 ‘ of *February* last, a new Parliament was begun. At
 ‘ the first Meeting, his Majesty did forbear to press
 ‘ them with any thing which might have the least
 ‘ Appearance of his own Interest, but recommended
 ‘ unto them the Care of making good Laws, which
 ‘ are the ordinary Subject of a Parliament.

‘ His Majesty believing that they could not have
 ‘ suffered many Days, much less many Weeks to
 ‘ have passed by, before the Apprehension and Care

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‘ of the common Safety of this Kingdom, and the
 ‘ true Religion professed and maintained therein, and
 ‘ of our Friends and Allies, who must prosper, or
 ‘ suffer with us, would have led them to a due and
 ‘ timely Consideration of all the Means which might
 ‘ best conduce to those Ends; which the Lords of
 ‘ the higher House, by a Committee of that House,
 ‘ did timely and seasonably consider of, and invited
 ‘ the Commons to a Conference concerning that
 ‘ great Business: At which Conference there were
 ‘ opened unto them the great Occasions which pressed
 ‘ his Majesty; which making no Impression with
 ‘ them, his Majesty did, first by Message, and after
 ‘ by Letters, put the House of Commons in Mind
 ‘ of that which was most necessary, the Defence of
 ‘ the Kingdom, and due and timely Preparations for
 ‘ the same.

‘ The Commons House after this, upon the 27th
 ‘ of *March* last, with one unanimous Consent at
 ‘ first, agreed to give unto his Majesty three entire
 ‘ Subsidies, and three Fifteenths, for a present Sup-
 ‘ ply unto him; and upon the 26th of *April* after,
 ‘ upon second Cogitations, they added a fourth Sub-
 ‘ sidy, and ordered the Days of Payment for them
 ‘ all, whereof the first should have been on the last
 ‘ Day of this present *June*. Upon this, the King of
 ‘ *Denmark*, and other Princes and States, being en-
 ‘ gaged with his Majesty in this common Cause, his
 ‘ Majesty fitted his Occasions according to the Times
 ‘ which were appointed for the Payment of those
 ‘ Subsidies and Fifteenths, and hastened on the Lord’s
 ‘ Committees, and his Council of War, to perfect
 ‘ their Resolutions for the ordering and settling of
 ‘ his Designs; which they accordingly did, and
 ‘ brought them to that Maturity, that they found
 ‘ no Impediment to a final Conclusion of their Coun-
 ‘ sels, but want of Money to put Things into Acti-
 ‘ on. His Majesty thereupon, who had with much
 ‘ Patience expected the real Performance of that
 ‘ which the Commons had promised, finding the
 ‘ Time

Time of the Year passing away, and having Intelligence not only from his own Ministers and Subjects in Foreign Parts, but from all Parts of Christendom, and of the great and powerful Preparations of the King of *Spain*, and that his Design was upon this Kingdom, or the Kingdom of *Ireland*, or both, (and it is hard to determine which of them would be of worse Consequence) he acquainted the House of Commons therewith, and laid open unto them truly and clearly, how the State of Things then stood, and yet stand, and at several Times, and upon several Occasions reiterated the same: But that House being abused by the violent and ill-advised Passions of a few Members of the House, for private and personal Ends, ill befitting publick Persons, trusted by their Country, as then they were, not only neglected, but wilfully refused to hearken to all the gentle Admonitions which his Majesty could give them; and neither did nor would intend any Thing, but the Prosecution of one of the Peers of this Realm, and that in such a disordered manner, as being set at their own Instance into a legal Way, wherein the Proofs on either Part would have ruled the Cause, which his Majesty allowed, they were not therewith content, but in their intemperate Passions and Desires to seek for Errors in another, fell into a greater Error themselves, and not only neglected to give just Satisfaction to his Majesty in several Cases which happened concerning his Regality, but wholly forgot their Engagements to his Majesty for the publick Defence of the Realm: Whereupon his Majesty wrote the forementioned Letter to the Speaker, dated the ninth Day of *June* 1626.

Notwithstanding which Letter read in the House, being a clear and gracious Manifest of his Majesty's Resolutions, they never so much as admitted one Reading to the Bill of Subsidies, but instead thereof, they prepared and voted a Remonstrance or Declaration, which they intended

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 ' liated with glossing Terms) as well many disho-
 ' nourable Aspersions upon his Majesty, and upon
 ' the sacred Memory of his deceased Father, as also
 ' dilatory Excuses for their not proceeding with the
 ' Subsidies, adding thereto also coloured Conditions,
 ' crossing thereby his Majesty's Direction; which his
 ' Majesty understanding, and esteeming (as he had
 ' cause) to be a Denial of the promised Supply,
 ' and finding that no Admonitions could move, no
 ' Reasons or Persuasions could prevail, when the
 ' Time was so far spent, that they had put an Impos-
 ' sibility upon themselves to perform their Promises,
 ' which they esteemed all gracious Messages unto
 ' them to be but Interruptions: His Majesty, upon
 ' mature Advisement, discerning that all further Pa-
 ' tience would prove fruitless, on the Fifteenth Day
 ' of this present Month he hath dissolved this unhap-
 ' py Parliament: the acting whereof, as it was to his
 ' Majesty an unexpressible Grief, so the Memory
 ' thereof doth renew the hearty Sorrow, which all
 ' his good and well-affected Subjects will compas-
 ' sionate with him.
- ' These Passages his Majesty hath at the more
 ' Length, and with the true Circumstances thereof,
 ' expressed and published to the World, lest that
 ' which hath been unfortunate in itself, through the
 ' Malice of the Author of so great a Mischief, and
 ' the malevolent Report of such as are ill-affected to
 ' this State, or the true Religion here professed, or
 ' the Fears or Jealousies of Friends and dutiful Sub-
 ' jects, might be made more unfortunate in the Con-
 ' sequences of it, which may be of worse Effect
 ' than at the first can be well apprehended; and his
 ' Majesty being best privy to the Integrity of his
 ' own Heart, for the constant Maintaining of the Sin-
 ' cerity and Unity of the true Religion professed in
 ' the Church of *England*, and to free it from the
 ' open Contagion of Popery, and secret Infection of
 ' Schism, of both which, by his publick Acts and
 ' Actions,

‘ Actions, he hath given good Testimony, and with
‘ a single Heart, as in the Presence of God, who
‘ can best judge thereof, purposeth resolutely and
‘ constantly to proceed in the due Execution of
‘ either ; and observing the Subtilty of the adverse
‘ Party, he cannot but believe that the Hand of
‘ *Joab* hath been in this Disaster, that the common
‘ Incendiaries of *Chriftendom* have subtilly and se-
‘ cretly insinuated those Things, which unhappily
‘ (and, as his Majesty hopeth, beyond the Intenti-
‘ ons of the Actors) have caused these Diversions
‘ and Distractions : And yet notwithstanding, his
‘ most excellent Majesty, for the Comfort of his
‘ good and well-affected Subjects, in whose Loves he
‘ doth repose himself with Confidence, and esteem-
‘ eth it as his greatest Riches ; for the assuring of his
‘ Friends and Allies, with whom, by God’s Assist-
‘ ance, he will not break in the Substance of what
‘ he hath undertaken ; for the discouraging of his
‘ Adversaries, and the Adversaries of his Cause, and
‘ of his Dominions, and Religion, hath put on this
‘ Resolution, which he doth hereby publish to all
‘ the World, That as God hath made him King of
‘ this great People, and large Dominions, famous in
‘ former Ages both by Land and Sea, and trusted
‘ him to be a Father and Protector both of their
‘ Persons and Fortunes, and a Defender of the Faith
‘ and true Religion ; so he will go on chearfully and
‘ constantly in the Defence thereof (and notwith-
‘ standing so many Difficulties and Discourage-
‘ ments) will take his Sceptre and Sword into his
‘ Hands, and not expose the Persons of the People
‘ committed to his Charge, to the unsatiable Desires
‘ of the King of *Spain*, who hath long thirsted after
‘ the Univerſal Monarchy, nor their Conſciences to
‘ the Yoke of the Pope of *Rome* : And that at Home
‘ he will take that Care to redress the just Grievances
‘ of his good Subjects, as shall be every Way fit for
‘ a good King.

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‘ And in the mean Time his Majesty doth publish
 ‘ this to all his loving Subjects, that they may know
 ‘ what to think with Truth, and speak with Duty
 ‘ of his Majesty’s Actions, and Proceedings in these
 ‘ two last dissolved Parliaments’.

‘ Given at his Majesty’s Palace at Whitehall, this
 ‘ Thirteenth Day of June, in the Second Year of his
 ‘ Majesty’s Reign of Great-Britain, France, and
 ‘ Ireland’.

Remarks
 on the De-
 claration.

This Declaration, which seems to me to be penned in the same Stile with the Lord-Keeper *Conventry’s* Speeches, clogged with exceeding long Periods, and full of Parenthesis’s, contained, under a vast heap of Words, but two Things to the Purpose; namely, the two Reasons which obliged the King, to dissolve the two last Parliaments. It is said there, that the Plague which drew near *Oxford* occasioned the Dissolution of the First. But this Reason, which seems to be something plausible, proves at most but a Necessity to discontinue the Parliament, which might have been done by Prorogation, as easily as by an entire Dissolution. In the second Place, when this Declaration was published, every Body knew what the *Commons* had said in their Remonstrance, that the End of dissolving the First, was to preclude from the following Parliament such Members as had been against the Duke of *Buckingham*, by causing them to be made Sheriffs of their several Counties. As to the Dissolution of the Second, it is wholly built in the Declaration, upon the King’s being pleased to consider as an absolute Denial the *Common’s* Delay to supply him with Money, though they affirmed the contrary. But none were so blind as not to see that the *Commons* Demand that the King would be pleased to remove the Duke of *Buckingham* from his Presence, and the Fear of the ill Success of the Impeachment against the Duke, were the true Causes of this Dissolution. So, the Declaration had no great Effect among the People, who besides were not apprehensive at all of the pretended

pretended Invasion of *England* or *Ireland* by the *Spaniards*, though the King did his utmost Endeavour to inspire them with such a Dread. It was pretty strange, that within the Space of a little above a Year, the War which was undertaken for the Recovery of the *Palatinate*, should be changed into a defensive War, for the Preservation of the King's Dominions, and Maintainance of the Church of *England*, though the *English* had not yet received any Defeat.

A few Days after the Declaration was published, two Proclamations were issued out, which afforded ample Matter of Discourse to such as were not of the Court-Party. By the first, the King commanded all Persons who had any Copies of the *Commons Remonstrance* to burn the same, on Pain of his highest Displeasure. But such Precautions serve generally only to cause the prohibited Writings to be more carefully preserved. The King's Injunction could not hinder this Remonstrance from being transmitted to us.

Proclamation to suppress the Remonstrance.
Rush.
Vol. I.
p. 411.

The second Proclamation contained very express Commands not to preach or dispute upon the controverted Points of *Arminianism*, either for or against them, under Colour that such sort of Disputes served only to breed Contentions. But Abundance of People were of Opinion, that *Laud* Bishop of *London*, and *Neil* Bishop of *Winchester*, had procured this Injunction, in order to have an Opportunity to oppress the *Orthodox* Ministers, who should take the Liberty to break it, whilst the Disobedience of the contrary Party should be winked at. It is certain the next Parliament complained to the King, that the *Orthodox* Ministers were silenced for disobeying the Proclamation, and the *Arminians* tolerated and countenanced. These Matters belonged to the *High-Commission*, which consisted of *Laud's* and *Neil's* Creatures, the Heads and Protectors of the *Arminians*, or at least they were reputed as such.

Another Proclamation not to dispute for or against Arminianism.
Ibid. 412.

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The King
prevents
the Duke
from being
accused in
the Star-
Chamber.
Means
used by the
King to
raise Mo-
ney.

Mean while, an Information was preferred by the King's special Command in the *Star-Chamber* against the Duke of *Buckingham*, for applying the Plaster to the late King. But withal, he ordered it so, that the Cause came not to a Hearing.

The King receiving no Aid from the Parliament, because he was unwilling to purchase it at the rate the *Commons* had set upon it, was in great Straits. He had a War to maintain against the *House of Austria*; he was to supply his Allies with the promised Succours, and to put his Kingdom in a Posture of Defence. As all this could not be done by his ordinary Revenues, Recourse must be had to Expedients to raise Money. I shall set down some of them here together, though they were not all put in Practice at the same Time.

The First was a Proclamation forbidding all Persons [for two Years] to present or sollicite any Suit for any Thing tending to the Diminution of the King's Revenues.

The Second was a Commission, issued out to the Archbishop of *York* and others, to compound with the *Popish Recusants*, not only for all Forfeitures * due since the Tenth Year of King *James*, but also for such as should become due hereafter. This Commission was directly contrary to the Promise he made to the Parliament at *Oxford*. However, as he could not get any Money of the late Parliament but on such Conditions as he did not think fit to comply with, he thought himself authorized to supply his Wants some other way.

The Third was a Proclamation, declaring that the King was resolved to make his Revenue certain, by granting his Lands, as well holden in *Copy* as otherwise, to be holden in *Fee-farm* *1.

The

* Within Ten northern Counties specified in the Commission.

*1. This Third Method of raising Money not being rightly expressed by our Author, I have taken the very Words of *Rushworth* from whence *Rapin* translated it.

The Fourth was a Loan from every Peer of a certain Sum for the Defence of the Kingdom. But his Attempt to borrow a Hundred Thousand Pounds of the City of *London* failed, the City desiring to be excused.

The Fifth was an Imposition upon the several Ports and Maritime Counties, to furnish and set out a certain Number of Ships to protect the Trade. The City of *London* having refused to lend the King Money, was appointed to equip Twenty Ships, or at least to find a Sum sufficient to do it withal. As this Tax was peculiar to the maritime Towns, many of the Inhabitants of such Places withdrew elsewhere. But they were commanded by Proclamation to return to their respective Towns.

Lastly, the Council ordered very strictly that the Payment of *Tonnage* and *Poundage* should be continued, though the King had yet no Grant from the Parliament, though he had never demanded any such Thing, and though the *Commons* had complained of the levying these Imposts as a *Grievance*, in the Remonstrance they had prepared.

But to let the People see that it was purely out of *A Fast enjoined.* Necessity that the King made use of these extraordinary Methods to raise Money, his Majesty ordered a general Fast [to be held on the 5th of *July*,] to divert the Judgements of God ready to fall on the Kingdom, by the pretended Invasion it was threatned with. This afforded him also a Pretence to require the *Commis-* Lords-Lieutenants of the several Counties to muster *sions to* and arm the *Militia*, and put them in Condition to *muster and* withstand the Invasions of Enemies from Abroad, and *arm the* quell the Rebellions of Subjects at Home, if any *Militia.* should happen. For the Court was under some Fears of Commotions.

The Means used by the King hitherto for raising Money, were not sufficient to extricate him from a fresh Incumbrance which an unexpected Event brought upon him. The King of *Denmark* his Uncle, whom *Defeat of the King of Denmark,* he had engaged in a War with the Emperour, was de- *Charles's Uncle.* feated

1626. seated on the 27th of *August* by Count Tilly, with the Loss of all his Baggage and Train of Artillery. This Accident put *Charles* under a Necessity of finding Money to support the King his Uncle, who was in a very ill Situation, and could not avoid making a Peace with the Emperour, unless speedily relieved.

*A general
Loan.
Ruth.
Vol. I.
p. 418.*

The Way which was thought most proper to raise Money on this urgent Occasion, was by a general Loan from the Subject, according as every Man was assessed in the Rolls of the last Subsidy. It is true; the King gave his Royal Word, that all the Money should be repaid without Fee or Charge; but no Body depended upon the Performance of this Promise, as it appeared afterwards. The King himself as well as his Council expected to meet with a great many Obstacles in executing this Project, such sort of forced Loans not being at all agreeable to the Nation. It was feared besides, that this Way of raising Money upon the Subject, would in the End render Parliaments useless. For this Reason the Council judged it proper to make use of Three Methods to succeed in their Design: 1. Of some Artifice to oblige the People as far as possible to lend freely: 2. Of Fear, to terrify the irresolute: 3. Of Rigour, to compel the most obstinate. These were the Grounds of the Instructions the Council gave the Commissioners, who were appointed in the several Counties to go and levy the Loan. The Instructions were to this Effect:

*Instru-
tions to the
Commis-
sioners for
the Loan.
Ibid.
p. 418.*

“ I. That they should themselves, for a good Example to others, lend unto his Majesty the several Sums of Money required of them, testifying it by their Names, with their own Hands, That when they shall in his Majesty's Name require others to lend, they may discern the said Commissioners forwardness.

“ II. To take for their Guide those Rates, at which Men were assessed in the Book of the last Subsidy, and to require the Loan of so much Money, as the
“ entire

“entire Rate and Value comes to, at which they are
 “rated and set; as (namely,) he that is set an Hun-
 “dred Pounds in Goods, to lend a Hundred Marks;
 “and he that is set an Hundred Pounds in Land,
 “to lend a Hundred Pounds in Money; and so *per*
 “rate for a greater or a lesser Sum.

“III. To use all possible Endeavours to cause
 “every Man willingly and chearfully to lend, open-
 “ing unto them the Necessity and Unavoidableness
 “of this Course, the Honour and Reputation of the
 “Nation, the true Religion and common Safety of
 “Prince and People, of our Friends and Allies en-
 “gaged in the common Cause; that there is no Time
 “now of disposing but of acting.

“IV. That they appoint the Days of Payment to
 “be within Fourteen Days, and persuade such as shall
 “be able to pay it at one entire Payment, the better
 “to accommodate his Majesty's Occasion; other-
 “wise to accept of the one Half at Fourteen Days,
 “and the other to be paid before the Twentieth of
 “December now next coming.

“V. That they treat apart with every one of those
 “that are to lend, and not in the Presence or
 “Hearing of any other, unless they see Cause to the
 “contrary. And if any shall refuse to lend, and
 “shall make Delays or Excuses, and persist in their
 “Obstinacy, that they examine such Persons upon
 “Oath, whether they have been dealt withal to deny
 “or refuse to lend, or make an Excuse for not
 “lending? Who hath dealt so with him, and what
 “Speeches or Persuasions he or they have used to him
 “tending to that purpose? And that they shall also
 “charge every such Person in his Majesty's Name,
 “upon his Allegiance, not to disclose to any other
 “what his Answer was.

“VI. That they shew their Discretion and Affec-
 “tions, by making choice of such to begin with,
 “who are likely to give the best Examples; and
 “when they have a competent Number of Hands to
 “the

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“ the Roll or List of the Leaders, that they shew the same to others to lead them in like manner. . . . ”

“ VII. That they endeavour to discover, whether any publickly or underhand be Workers or Persuaders of others to dissent from, or dislike of this Course, or hinder the good Disposition of others. And that, as much as they may, they hinder all Discourse about it, and certify to the Privy-Council in Writing, the Names, Qualities, and Dwelling-places of all such refractory Persons with all speed, and especially if they shall discover any Combination or Confederacy against these Proceedings. ”

“ VIII. That they let all Men know whom it may concern, That his Majesty is well pleased upon lending these Sums required, to remit all that which by Letters, in his Name, was desired upon the late Benevolence for Free-grant ; and whatever hath been already paid upon that Account, shall be accepted for part of this Loan ; and if it exceed the Sum desired, that the Overplus shall be repaid without Fee or Charge ; so likewise for Privy-Seals, if any have been already paid : But if not, that the agreeing of the Loan of the Sums required, be excused of the Payment of the Privy-Seal. ”

“ IX. That they admit of no Suit to be made, or Reasons to be given for the abating of any Sum, the Time and instant Occasion not admitting any such Dispute, which would but disturb and protract the Sheriff. ”

“ Lastly, The Commissioners were required and commanded, upon their Faith and Allegiance to his Majesty, to keep secret to themselves, and not impart or disclose these Instructions to others ”.

For the Advancement of the Loan, Care was taken to publish a List of such as had freely subscribed, for a good Example to others ; and all the Peers and Gentlemen were ordered to repair to their Country-

Seats,

Seems, that their Absence might be no Hindrance or
Obstacle to the Subscriptions. Sir *Randolph Crew*,
Lord Chief-Justice, showing no Zeal for advancing
the Loan, was removed from his Place, which was
given to Sir *Nicholas Hyde* *. The King believed it
necessary to show by this Example, that he would
admit of no Excuse.

1626.
Lord
Chief-
Justice
Crew re-
moved on
account of
the Loan.

Besides this Example, the Court used to promote
the Loan some other ways, which in all Appearance
would not be less effectual. The first was the Bil-
leting of Soldiers upon private Houses, contrary to
the constant Custom of *England*, where all but such
as keep publick Houses have the Privilege of not
being obliged to lodge Soldiers against their Wills.
It is easy to perceive that those who showed any Back-
wardness to lend the King Money, were not spared
on this Occasion, and that the Soldiers quartered
upon them took care to let them see what they ex-
posed themselves to by disobeying the King. More-
over, such as were Sufferers by these troublesome
Guests, could not summon them before the usual
Judges: but by the King's express Orders, they were
obliged to apply to a Council of War, so that the
Officers were the sole Judges of their Soldiers. This
is never practised in *England*, where Councils of War
have no Jurisdiction but what the Parliament allows
them by an Act on purpose, limiting both the Time
and the Occasions. In short, it evidently appeared,
that the King would not be contradicted, and was
resolved to raise Money upon the Subject just as he
thought fit. It is true indeed, he grounded his Pro-
ceedings upon some former Precedents. But some of
his Predecessors having many Ages before practised
these Methods, whether out of Necessity or other-
wise, it was sufficient for him to consider such a
Precedent as a Foundation of his Right, and as a Pre-
rogative of the Crown. Notwithstanding this, the
People in general were so much against the Loan,

Soldiers
are quar-
tered upon
private
Hou's.
Rush.
Vol. I.
P. 419.

* He drew the Duke's Answer in Parliament.

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that the Money came in but slowly to the King's Exchequer. The Court therefore was obliged to use a more violent Remedy to force the most Obstinate. And that was, to order such of the common Sort as refused to subscribe to the Loan, to be enrolled as Soldiers to serve in his Majesty's Troops. As for Persons of Birth and Rank, they were summoned to appear before the Council; and upon their refusing a second Time to lend Money, were confined to Places at a great Distance from their Habitations; and such as refused to be thus confined, were committed to the several Prisons in London. Sir Thomas Wentworth, who was afterwards Earl of Strafford, and a zealous Stickler for the King, was among the Persons removed out of the Way*.

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Such as
refused to
subscribe
are enrol-
led among
the King's
Troops, or
sent away,
or impris-
oned.
Ruth.
Vol. I.
p. 428.

*The Doc-
trine of
Passive
Obedience
publicly
preached
by Sib-
thorp and
Manwa-
ring.*
Ruth.
Vol. I.
p. 422.

Besides these Means, the Court put another in Practice, from whence they expected great Matters, but which in the Main did the King more hurt than good. And that was to get Ministers hired for that purpose, to preach up as a Scripture-Doctrine, that Subjects were obliged to obey the King's Will and Pleasure without Examination. Two of these Ministers distinguished themselves by their Sermons on this Subject. Dr. Sibthorp, who was one of them, says among other Things in a Sermon [preached at Northampton, at Lent Assizes:]

Ruth.
Vol. I.
p. 422.

That the Prince, who is the Head, and makes his Court and Council, it is his Duty to direct and make Laws,

* The following Gentlemen also were appointed to several Confinements, not in their own but distinct Counties. George Rascliffe Esq; Sir Walter Earl, Sir John Strangeways, Sir Thomas Grantham, Sir John Hovingham, Sir Nathaniel Bernardiston, William Coriell Esq; Richard Knightly Esq; Sir Harbottle Grimston, Sir Robert Points, John Hampden. These with many others were secured in foreign Counties for refusing the Loan. Many of those Gentlemen were afterwards sent for by Pursuivants out of the Counties where they were confined by Order of the Council, and committed to several Prisons, some to the Fleet, some to the Marshalsea and Gatehouse. From which last place Sir John Elliot sends a Petition to his Majesty, which the Reader may see in *Ruthworth*, Vol. I. p. 429.

Laws, Eccles. viii. 2, 4. He doth whatsoever pleases him. Where the Word of a King is, there is Power, and who may say unto him, What doest thou? — If Princes command any thing which Subjects may not perform, because it is against the Laws of God, or of Nations, or impossible: Yet Subjects are bound to undergo the Punishment, without either resisting, or railing, or reviling, and so to yield a Passive Obedience where they cannot exhibit an Active one — I know no other Case, but one of those Three, wherein a Subject may excuse himself from Passive Obedience; but in all other he is bound to Active Obedience.

But Dr. Manwaring spoke still more plainly in one of his Sermons. He said, That the King is not bound to observe the Laws of the Realm concerning the Subjects Rights and Liberties, but that his Royal Will and Command in imposing Loans and Taxes, without common Consent in Parliament, doth oblige the Subjects Conscience upon Pain of eternal Damnation. That those who refused to pay this Loan, offended against the Law of God, and the King's supreme Authority, and became guilty of Impiety, Disloyalty and Rebellion. And that the Authority of Parliament is not necessary for the Raising of Aids and Subsidies; and that the slow Proceedings of such great Assemblies, were not fitted for the Supply of the State's urgent Necessities, but would rather produce sundry Impediments to the just Designs of Princes.

One can hardly believe that such a Doctrine was publicly preached in England, or at least, one imagines at first, that these Preachers were Men of no Reputation, who sought to please the Court, and that they were not openly approved of. But one is forced to be of another Mind, when it is considered that Archbishop Abbot was suspended from all his Archiepiscopal Functions, and confined to one of his Country Houses*, for refusing to licence Sibthorp's Ser-

The Archbishop is suspended for refusing to approve Sibthorp's Sermon. Annals. Arch. Apol. Rush. I. P. 434

* At Ford, a moorish unhealthy Place, five Miles beyond Canterbury. Coke, p. 39.

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mon. That *Manswaring*, after having been sentenced by the Lords in the next Parliament, to pay a Thousand Pounds Fine, to make a publick Submission at the Bars of the two Houses, and to be imprisoned [during the Pleasure of the Lords,] after having been suspended for three Years, and declared incapable of having any Ecclesiastical Dignity, or secular Office, obtained nevertheless the King's Pardon, with a good Benefice, and afterwards a Bishoprick. One cannot therefore help thinking, that the Doctrine preached by these Ministers was approved, favoured, and countenanced by the Court. And indeed the King's and his Minister's Conduct plainly showed, that it was their Intent to establish an Arbitrary Power, and sit the King above the Laws. Of this we shall see farther Proofs in the Sequel.

*State of
the King's
Affairs at
Home and
Abroad.*

Notwithstanding the King's Hopes to succeed at length in his Project, he was not easy in the War he had undertaken for the Recovery of the *Palatinate* was carried on so heavily and with so little Success, that it was evident he should never compass his Ends by continuing it in such a Manner. Hitherto, all had gone wrong. The Twelve Thousand Men which he would have sent into the *Palatinate* under the Command of Count *Mansfeldt* were lost for want of taking proper Measures to send them thither, as we have seen in the Reign of King *James*. The Expedition against *Cadiz*, and the *Spanish West-India-Fleet* had met with no better Success. The King of *Denmark*, after beginning a War with the Emperour at the Instance of his Nephew the King of *England*, was entirely defeated. The United Provinces of the *Low-Countries* in Alliance with *England*, stood rasher in need of Assistance than able to give any. *Leopold* XIII had battered the King of *England* with the Hopes of a League against the House of *Austria*, only to make the better Bargain with the *Spaniards* in *Italy*, and since he had concluded a Peace in that Country, he did not show the least Inclination to join in a League with *England* for the Recovery of the *Palatinate*.

Notes. Thus Charles saw himself farther than ever from the Execution of his grand Projects. To this may be added, that the Dissolution of his two first Parliaments, without obtaining the Aids he expected, rendered him contemptible in the Eyes of his Neighbours. There was no State desirous to enter into a strict Alliance with a Prince, who had been so imprudent as to quarrel with his Subjects at a time when he most wanted their Assistance. In short, though he had intended to free himself from the Yoke of Parliaments, and put himself in a Condition to draw what Money he pleased from his Subjects, by the Methods he had devised, he daily perceived he had taken wrong Measures. The Loan-Money came in but very slowly. In order to raise it there was a Necessity of continually using Rigour and Violence, the *English* for the most Part refusing to comply willingly with a Power they believed contrary to their Liberties and Laws. The Court therefore was forced to manage their Rigour against the Disobedient, in such a Manner that it might not cause an open Rebellion, for fear if a Flame broke out in any Part, it might spread over the whole Kingdom.

The King, as Matters then stood with him, seems to have had but one of these two Courses to take, either to agree with his People, or make Peace with *Spain*. By taking the first Course, he would be able to push the War he had undertaken, with more Vigour. By the second, he would be freed from the Trouble of demanding extraordinary Supplies of his Parliament, or of raising Money by unusual Methods, which drew on him the Hatred of his People. But these two Ways were contrary to his Temper, his Character, his Projects, the Interests of his Favourite and Ministers. As to the First, I believe I may affirm, That he had formed the Project of setting up in *England* a despotick Power. I shall not lose time in proving it. I had rather the Reader would judge for himself by the King's own Speeches, by his Messages to the *House of Commons*, by his Conduct, and

*Reasons of
the King's
Conduct.*

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by that of his Ministry and Council. What we have seen thus far may serve to give some Notion of it. But what we shall see hereafter, will, as I think, afford undeniable Proofs. This being taken for granted, Charles could not shake off the Principles he had sucked in with his Mother's Milk, which had taken Root in his Soul by the Instructions and Example of the King his Father, without relinquishing his Projects, and without forming a new Plan of Government, directly contrary to his Temper and Inclination. In order to agree with his People, he must have submitted to the Maxims of the Parliament, who were continually making the most of the Laws of the Land and the Liberties of the People, and been obliged to become, if I may so say, less a King than he had hitherto been, and than he thought he had right to be. The suffering the Extent of the Prerogative-Royal to be questioned on all Occasions, was a Thing too opposite to his Temper. Besides, the Duke of *Buckingham*, who had a great Influence over him, plainly saw that an Agreement between the King and People, would infallibly be followed with his Ruin. The Rest of the Ministers, who were all his Creatures, perceived likewise that their Welfare depended on the Favourite's, and that the Favourite's Credit could not subsist with a good Understanding between the King and his Parliament. It was necessary therefore that the King, to extricate himself out of this Labyrinth, should become, as I may say, quite another Man; that he should alter his Principles; that he should have Strength of Mind sufficient to discern clearly his true Interests, from those of his Favourites and Ministers, and Resolution enough to proceed without their Help, and to follow Counsels more agreeable to his Subjects. But this was a Thing impossible, considering the King's Character, who seemed then to be of an inflexible Temper. He perceived in the End that he had taken a wrong Course: But it was not till it was too late to leave it.

As to the other Way L^{intentioned} above, which was to make Peace with *Spain*, besides that the King thought himself bound in Honour to support a War of which he was the sole Author, though he always affected to impute it to the Parliament, this Peace was wholly contrary to his private Interest. How little Success however he had reason to expect from the Continuance of the War, in his present Circumstances, it served him for Pretence to levy Money upon his People, and afforded him Means to put in Practice the Projects he had formed to establish an absolute Power. On the other Hand, it being the Interest of his Favourite and Ministers to keep him at Variance with his People, to whom they were all very odious, they could not do it better than by putting him under an indispensable Necessity of raising Money upon the Subject, without consent of Parliament.

The Effect of this Policy evidently appeared at the very Time I am speaking of. Instead of persuading the King to make Peace with *Spain*, they engaged him by Degrees to proclaim War with *France*, at a Time when he knew not how to continue that he had begun with the House of *Austria*. That *France* might afford some Pretence for the Rupture which was meditating in *England*, the King, upon some Disgust he received from the Queen's French Chaplains and Domesticks, dismissed them all, having first payed what was due for Wages or Salaries. The King of *France* highly resented this manifest Breach of the Marriage-Treaty, but however, he did nothing that might make it thought he intended to be revenged by way of Arms. So the Disgust received from the Queen's Domesticks, who were sufficiently punished, could not serve for pretence of a Rupture on the Side of *England*, since on the contrary, *France* had reason to complain of the Breach of the Treaty. But it is no Matter, they designed to make War upon *France*, under Colour of supporting the *Huguenots* who were oppressed, and threatned with utter Destruction. But

The King resolves to go to War with France. Rush. Vol. I. p. 424. He tries to make the French Court give him some Pretence for it.

Pretence of the War with France.

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when a Man considers the Character of the King, of the Favourite, and of the Ministry, he can hardly believe that the Desire of maintaining the Protestant Religion, such as it was in France, was the real Motive of this War. The King and his whole Court had a mortal Aversion to Presbyterianism. The Duke of Buckingham had properly no Religion at all. Weston and Conway were Catholics, Laud and Neile thought it impossible to be saved out of the Church of England. How then could it be imagined that all these Men, who were the King's most intimate Counsellors, should combine to support in France a Religion for which they had the utmost Contempt? It is much more probable that the King's Ministers seeing little Likelihood of recovering the Palatinate by Arms, and fearing the King would at length be tired of a fruitless War with Spain, induced him to carry his Arms into France, that they might still keep him under a Necessity of raising Money by extraordinary Methods, and of perpetuating thereby his Misunderstanding with his Subjects, on which the Continuance of their Credit entirely depended. But I own this is only Conjecture. Another Cause is alledged of this War with France, namely, the Duke of Buckingham's Pride, who being sent to Paris to conduct the Queen into England, fell in Love with Ann of Austria Wife to Lewis XIII, and had the Confidence to let her know his Passion. It is said, that the Court of France threatened him with a Punishment suitable to his Insolence, and refused to let him see the Queen any more, but that he swore he would see her in spite of them all. To this Oath is ascribed the Resolution he made, the King his Master take to wage War with France, in hopes it would give him an Opportunity to perform what he had sworn. I own, I see very little Probability in this pretended Project, which however the Lord Clarendon has thought fit to mention.

The King
declares
the Causes
of it to his
Council.

The War with France being resolved upon, the King declared the Grounds of it to his Council, viz.

I. That

I. That the House of Austria had such an Influence upon the Council of France, as to prevail with them to obstruct the landing of Count Mansfeldt's Army, contrary to Promise, with whom the French should have joined, for the Relief of the Palatinate; which failure of Performance in them, proved the ruin of that Army.

I have spoken of this Affair in the Reign of King James I. and shown that it was an Oversight of the Council of England to depend upon a general Promise as much as upon a Treaty. Besides, it was somewhat of the latest for the King to think of revenging this pretended Affront, which had not prevented him from espousing the French King's Sister.

II. That having by his Mediation prevailed for a Peace between the French King and his Protestant Subjects, and engaged his Word, That the Protestants should observe the Articles of Agreement: Nevertheless the King of France, contrary to the said Articles, blocked up their Towns, Garrisons, and Forts, and had committed many Spoils upon them, when they had done nothing in Violation of the Edict of Peace.

It is very true; it was the Interest of England to support the Huguenots, who were unjustly oppressed. But by what Law is a Prince, who makes a Peace between two Enemies, but is not Guarantee for Performance of Articles on both Sides, empowered to go to War with one of the Parties that breaks the Peace? Had the King been satisfied with saying, The Interest of England would not suffer the Huguenots to be oppressed, this Reason taken from Politicks, might have been allowed. But there is a wide Difference between the being a Man's Interest to do a Thing, and his having a Right to do it.

III. That the King of France had committed an Example of great Injustice in full Peace, to seize upon one Hundred

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Hundred and Twenty English Ships, with all their Merchandise and Artillery,

Observation.

The King says not a Word here, that the *French* acted only by way of Reprisal, and that the *English* were the Aggressors, as the Parliament had complained to the King himself. It is evident therefore that the Grounds of this War could not be more frivolous.

Design of
surrendering the
English to
Rochelle.

The King's Design was to send a Fleet to *Rochel*, under Colour of relieving that Place, which was threatened with a Siege. This Affair had been managed at the Court of *England* by the Duke of *Soubize* and *St. Blancard* a Gentleman of *Languedoc*, without the Knowledge of the *Rochellers*. This gives ground to suspect that their Intention was to put the Town into the Hands of the *English*, on pretence of relieving it. However this be, the Matter was kept very private, and ever since the Month of *April* a Fleet had been equipping with all possible Expedition, without any Body's being able to guess for what purpose it was intended. When it was ready, the King gave the Duke of *Buckingham* a Commission, which plainly showed that the Affair was to be a Secret. By this Commission, the Duke was made Admiral of the Fleet, and Commander in Chief of the Land-Forces, which should be embarked for the Recovery of the *Palatinate*, according to such private Instructions as he should receive from his Majesty.

The Rochellers
refuse to
admit the
English.

This Fleet consisting of above a Hundred Ships, and having on board Seven Thousand Soldiers, sailed from *Portsmouth* the 9th of *July*, and on the 20th of the same Month appeared before *Rochel*. At the Duke's Approach, the *Rochellers* shut their Gates for fear of a Surprise, as having no notice of an *English* Fleet being to come so near them. Presently after came the Duke of *Soubize*, with Sir *William Beecher*, who told them from the Duke of *Buckingham*, That the King of *England*, out of Compassion to their Sufferings, had sent a Fleet and Army to their Assistance,

and if they refused his Aid, he declared he was fully quit of his Engagement of Honour and Conscience for their Relief. The Mayor replied in the Name of the Inhabitants, that they most humbly thanked his Majesty for the Care he had of them: But that being in strict Union with all the rest of the Protestants in the Kingdom, they could not receive into the City the offered Succours, without consulting their Friends, and without the previous Consent of the whole Body of the Huguenots. The Duke of Buckingham finding by this Answer, it would be no easy Matter to get his Troops into Rochel, directed his Course to the Isle of Rhec, where *Touras* commanded, etc. *Touras* endeavoured at first to hinder the landing of the English: But as his Forces were few, he was obliged to retreat to his Citadel at St. Martins, which was in a good State of Defence. Had the Duke understood the Art of War, he would, without a Moment's loss, have marched to the Fort, and thereby hindered *Touras* from getting in Provisions. But he spent so much Time in landing, and staid so long before he began his March, that *Touras* had Time to store the Place with Ammunition. At last he marched to St. Martins, and besieged it in form, but with little Success. He had to do with one that was more expert than himself, and that found Means to keep him employed in the Siege till November, though he had at first sent the King Word he should be Master of the Place in eight Days. Mean while, the King of France, who had not expected this Invasion, ordered his Troops to march with all speed towards the Sea-side, and came in Person to hasten the Succours for the Isle of Rhec. When every Thing was ready, Count *Schomberg* passed over into the Isle with six or seven Thousand Men, without any Opposition from the English Fleet. Then he marched to St. Martins, the Siege whereof the Duke of Buckingham raised with Precipitation, being vigorously pushed by the French to the very Sea-side, insomuch that it was with great Difficulty that he re-embarked his remaining Troops.

The Duke sails to the Isle of Rhec, and makes a Descent. Rush. Vol. I. p. 425. The Duke's oversight.

He besieges the Fort.

The Fort is relieved.

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The Eng-
lish Fleet
returns
Home.

Troops. 'Tis said, of the seven Thousand Men he brought from *England*, near five Thousand perished in this unfortunate Expedition: It was rumoured however in *England*; that not above fifteen Hundred were lost, and some even say that the King was made to believe so.

Petition of
Sir John
Elliot,
who was
imprisoned
concerning
the Loan.
Rush.
Vol. I.
P. 429.

Whilst the Duke of *Buckingham* was employed in this Expedition, Sir *John Elliot*, who was imprisoned for refusing to lend the King Money, presented to his Majesty a Petition for his Liberty, which he did not ask as a Favour, but as an Act of Justice. He grounded his Request upon several Statutes which he cited, and by which he pretended to show, that the King could not exact Money from the Subject by way of Loan, and that the Subjects were not bound to

To no Pur-
pose some
other Pri-
soners
bring their
Habeas
Corpus,
but are re-
manded
to Prison.
Rush.
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P. 458.

submit to it. As the King then stood affected, this Petition could be of no Service to the Person that presented it. In the Month of *November* following, some other Gentlemen, who were in Prison for the same Reason, brought their *Habeas Corpus*, that is, desired to be discharged upon Bail, a Privilege enjoyed by all *Englishmen* *. This Cause was pleaded very

* For the better understanding of what follows, it must be observed, that when any Person is committed (unless for Treason or Felony) upon his sending a Copy of the *Mittimus* to the Chancellor or any one of the Judges of the *Exchequer*, they are obliged to grant him a Writ called *Habeas Corpus*, upon the Receipt of which the Head Goaler or Keeper must carry up the Prisoner, and return the Causes of his Commitment, and Detainour to the Court to which the Writ is returnable. Then the Judge determines whether the Case be bailable. If not, the Prisoner is remanded back to Prison. In the present Case, the *Warden* of the *Fleet* made this Return:

That Sir *Walter Earl*, Knt. named in the Writ, is detained in the Prison of the *Fleet* in his Custody, by special Command of the King, to him signified by Warrant of several of the Privy-Council.

Now it was pleaded in behalf of the Prisoners, that the Form of the *Returns* was not good, the Cause of the Commitment not being specified as the Writ requires. And therefore if the Prisoners were not bailed but remanded, the Subjects of the Kingdom may be restrained of their Liberty for ever, and by Law there can be no Remedy. See *Rush. I. p. 459.*

very solemnly before all the Judges of the Realm. There were two Points to be decided. The First, Whether the Prisoners were committed by the special Command of the King, seeing the Warden said only, That the Prisoners were detained by Command of the King, signified to him by Warrant of several of the Privy Council. Now the Prisoners pleaded, That according to Law, the King's Order should be produced not barely, for detaining them, but for committing them; and that besides the signifying of the Order by the Lords of the Council, showed that it was not by special Command of his Majesty. The second Point was, Whether the King could imprison any of his Subjects without declaring the Cause of the Commitment, and whether in such Case, the Prisoners ought not to have the Benefit of a *Habeas Corpus*, that is, to be discharged upon *Bail*. The Council for the Prisoners showed the terrible Consequences of such a Power in the King, since thereby the Liberty of every Subject would be at the Mercy of the King, who could detain them in Prison as long as he pleased, and there would be no Remedy by Law. But the Judges unanimously decided against the Prisoners, who were all remanded back to their several Prisons.

The ill Success of the Isle of *Rhee* Expedition raised a world of Complaints and Murmurs against the Duke of *Buckingham*, who had Abundance of Enemies. A great many Men were lost in that unfortunate Undertaking, and among the rest, Major-General *Burroughs*, one of the best Officers in *England*; and these Misfortunes were imputed to the Duke of *Buckingham's* Inability, who had never been in the Wars, and knew nothing of the Sea-Service, though the King made him both Admiral and Captain-General. To these Complaints were added others upon other Accounts. The Mariners complained they had received no Wages for three Years past, and deserted in great Numbers, that they might not be forced to serve any longer for nothing. The Merchants made bitter Complaints that the Seas were neglected, that

Com-
plaints a-
gainst the
Govern-
ment and
Duke of
Bucking-
ham.

within

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within Three Years they had lost a vast Number of Ships, and that the Pilhermen were taken almost in the very Harbours. In a Word, no Body ventured to build any more new Ships, because as soon as they were ready the King seized them for his Service, against the Will of the Owners.

The Rockellers desire Assistance.

The King did not much Regard all these Complaints, which perhaps reached him not : but he minded the Petition which the *Rockellers*, being just going to be besieged, sent him by their Deputies, for Succour and Relief. He was drawn in to make War upon *France*, by the high Conceit he had of his Fleet, and of the Ability of his Favourite ; and though Experience showed him that this same Conceit was ill grounded, he would go on, let what would be the Consequence. Mean while, he saw himself without Money, and the Opposition he met with in the Business of the *Loan*, made him something sensible how difficult it would be to raise any by such Methods. For this Reason he had a Mind to have Sir *Robert Cotton's* Opinion, upon the present Situation of his Affairs. *Cotton* advised him to call a Parliament, as the best Means to free himself from the Straits he was in. But as Sir *Robert* foresaw the *House of Commons* would fall upon the Duke of *Buckingham*, he advised the King withal, to order it so, that the Duke might be the first, who in full Council should move the calling of a Parliament. This Advice was followed, and the Duke having played his Part, the Parliament was summoned by the unanimous Advice of the Council, to meet the 27th of *March* 1628, *N. S.* Immediately after Warrants were sent to all Parts to release the imprisoned and confined Gentlemen for the Business of the *Loan*-Money, and the King had the Mortification to see almost all of them to the Number of 27, chosen to serve for Representatives in the ensuing Parliament *. He sent Writs of Summons also to the

Cotton advises the King to call a Parliament.

A Parliament is called.

The Prisoners are released, and chosen Members of Parliament.

* There were released in all 78. See *Rel. 1.* 473. where they are all named.

the Archbishop of *Canterbury*, who was confined to one of his Houses, to the Bishop of *Lincoln* Prisoner in the *Tower*, and to the Earl of *Bristol*. At the same Time, the Council ordered the Lord-Mayor of *London* to use Moderation in demanding the *Loan-Money*. This shows that there were still some People who stood out, and that Violence was used hitherto to compel them.

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The Loan
is discontinued.

The Parliament being assembled the 17 of *March*, the King made the following Speech to both Houses.

My LORDS and GENTLEMEN,

THESE Times are for Action : Wherefore for Example sake, I mean not to spend much Time in Words, expecting accordingly that you (as I hope) good Resolutions will be speedy, not spending Time unnecessarily, or (that I may better say) dangerously ; For tedious Consultations at this Conjunction of Time are as hurtful as ill Resolutions.

The King's
Speech to
both Houses
of Parliament.
Rush
Vol. I.
p. 476.

I am sure you now expect from me, both to know the Cause of your Meeting, and what to resolve on : Yet I think that there is none here but knows that common Danger is the Cause of this Parliament, and that Supply at this Time is the chief End of it : So that I need but point to you what to do. I will use but few Persuasions : For it to maintain your own Advices, and as now the Case stands for the following thereof, the true Religion, Laws, and Liberties of this State, and the just Defence of our true Friends and Allies, be not sufficient, then no Eloquence of Men or Angels will prevail.

Only let me remember you, That my Duty most of all, and every one of yours according to his Degree, is to seek the Maintenance of this Church and Commonwealth : And certainly, there never was a Time in which this Duty was more necessarily required than now.

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‘ I therefore judging a Parliament to be the ancient, speediest, and best Way in this Time of common Danger, to give such Supply as to secure ourselves, and to save our Friends from imminent ruin, have called you together. Every Man now must do according to his Conscience : Wherefore if you (as God forbid) should not do your Duties, in contributing what the State at this Time needs, I must, in discharge of my Conscience, use those other Means which God hath put into my Hands, to save that, which the Follies of particular Men may otherwise hazard to lose.

‘ Take not this as a Threatning, for I scorn to threaten any but my Equals ; but an Admonition from him, that both out of Nature and Duty, hath most Care of your Preservation, and Prosperities : And (though I thus speak) I hope that your Demeanours at this Time will be such, as shall not only make me approve your former Counsels, but lay on me such Obligations, as shall tye me by way of Thankfulness to meet often with you : For be assured, that nothing can be more pleasing unto me, than to keep a good Correspondence with you.

‘ I will only add one Thing more, and then leave my Lord-Keeper to make a short Paraphrase upon the Text I have delivered you, which is, *To remember a Thing, to the end we may forget it.* You may imagine that I came hete with a doubt of Success of what I desire, remembering the Distractions of the last Meeting : But I assure you, that I shall very easily and gladly forget and forgive what is past, so that you will at this present Time leave the former Ways of Distractions, and follow the Counsel late given you, *To maintain the Unity of the Spirit in the Bond of Peace.*

*The Lord Keeper seconded his Majesty in
this Manner.*

My LORDS and GENTLEMEN,

YE are here in Parliament by his Majesty's *The Lord Keeper's Speech.*
Writ and Royal Command, to consult and
conclude of the weighty and urgent Business of
this Kingdom. Weighty it is and great, as great
as the Honour, Safety, and Protection of Religion,
King and Country: And what can be greater? Ur-
gent it is; it is little pleasure to tell or think how
urgent: And to tell it with Circumstances, were a
long Work: I will but touch the Sum of it in
few Words.

The Pope and House of *Austria* have long af-
fected, the one a Spiritual, the other a Temporal
Monarchy: And to effect their Ends, to serve each
other's Turn, the House of *Austria*, besides the
rich and vast Territories of both the *Indies*, and
in *Africa*, joined together, are become Masters of
Spain and *Italy*, and the great Country of *Ger-
many*. And although *France* be not under their
Subjection, yet they have environed all about it;
the very Bowels of the Kingdom swayed by the
Popish Faction: They have gotten such a Part;
and such Intercession in the Government, that un-
der Pretence of Religion, to root out the Pro-
testants and our Religion, they have drawn the
King to their Adherence so far, that albeir upon
his Majesty's Interposition by his Ambassadors, and
his Engagement of his Royal Word, there was
between the King and his Subjects Articles of Agree-
ment, and the Subjects were quiet: whereof his
Majesty, interested in that great Treaty, was bound
to see a true Accomplishment; yet against that
strict Alliance, that Treaty hath been broken,
and those of the Religion have been put to all Ex-
tremity,

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‘ tremity, and undoubtedly will be ruined without
 ‘ present Help. So as that King is not only diverted
 ‘ from assisting the common Cause; but hath been
 ‘ mis-led to engage himself in hostile Acts against
 ‘ our King and other Princes, making way thereby
 ‘ for the House of *Austria*, to the Ruin of his own
 ‘ and other Kingdoms.

‘ Other Potentates, that in former Times did bal-
 ‘ lance and interrupt the growing Greatness of the
 ‘ House of *Austria*, are now removed and diverted:
 ‘ The *Turk* hath made Peace with the Emperour,
 ‘ and turned himself wholly into Wars with *Moscow*:
 ‘ The King of *Sweden* is embroiled in a War with
 ‘ *Poland*, which is invented by *Spanish* Practices, to
 ‘ keep that King from succouring our Part: The
 ‘ King of *Danmark* is chased out of his Kingdom on
 ‘ this and on that Side the *Zound*; so as the House of
 ‘ *Austria* is on the Point to command the Sea-coasts,
 ‘ from *Dantzick* to *Embsen*, and all the Rivers falling
 ‘ into the Sea in that great Extent: So as besides
 ‘ the Power by Land, they begin to threaten our
 ‘ Part by Sea, to the Subversion of all our State.

‘ In the *Baltick-Sea*, they are providing and arm-
 ‘ ing all the Ships they can build or hire; and have
 ‘ at this time their Ambassadors treating at *Lubeck*,
 ‘ to draw into their Service the *Hans-Towns*, whereby
 ‘ taking from us and our Neighbours the East-land
 ‘ Trade, by which our Shipping is supplied, they
 ‘ expect, without any Blow given, to make them-
 ‘ selves Masters of that Sea. In these Western-parts,
 ‘ by the *Dunkirkers*, and by the now *French* and
 ‘ *Spanish* Admiral, to the Ruin of Fishing (of infi-
 ‘ nite Consequence both to us and the *Low-Coun-*
 ‘ *tries*) they infest all our Coast, so as we pass not
 ‘ safely from Port to Port. And that Fleet which
 ‘ lately assisted the *French* at the Isle of *Rhee*, is now
 ‘ preparing at *St. Andrews*, with other Ships built in
 ‘ the Coast of *Biscay* to re-inforce it, and a great
 ‘ Fleet is making ready in *Lisbon*; where, besides
 ‘ their own, they do serve themselves upon all
 ‘ Strangers

“ Strangers Bottoms coming to that Coast for Trade :
 “ And these great Preparations are, no doubt, to as-
 “ sault us in *England* or *Ireland*, as they shall find
 “ Advantage, and a Place fit for their Turn.

“ Our Friends of the *Netherlands*, besides the
 “ Fear that justly troubles them, lest the whole Force
 “ of the Emperour may fall down upon them, are
 “ distracted by their Voyages into the *East*, which
 “ have carried both Men and Money into another
 “ World, and much weakened them at home.

“ Thus are we even ready on all sides to be swal-
 “ lowed up; the Emperour, *France* and *Spain* being
 “ in open War against us, *Germany* over-run, the
 “ King of *Denmark* distressed, the King of *Sweden*
 “ diverted, and the *Low-Country-Men* disabled to
 “ give us Assistance.

“ I speak not this to increase Fear, unworthy of
 “ *English* Courages, but to press to Provision worthy
 “ the Wisdom of a Parliament: And for that Cause
 “ his Majesty hath called you hither, that by a timely
 “ Provision against those great imminent Dangers,
 “ our selves may be strengthened at home, our Friends
 “ and Allies encouraged abroad, and those great
 “ Causes of Fear scattered and dispelled.

“ And because in all warlike Preparations Trea-
 “ sure bears the Name, and holds the Semblance of
 “ the Nerves and Sinews; and if a Sinew be too
 “ short or too weak, if it be either shrunk or strained,
 “ the Part becomes useless: It is needful that you
 “ make a good and timely Supply of Treasure,
 “ without which all Counsels will prove fruitless. I
 “ might press many Reasons to this end; but I will
 “ name but few.

“ First, for his Majesty's sake, who requires it.
 “ Great is the Duty which we owe him by the Law
 “ of God; great by the Law of Nature, and our
 “ own Allegiance; great for his own Merit, and the
 “ Memory of his ever-blessed Father. I do but point
 “ at them: But methinks our Thoughts cannot but
 “ recoil on one Consideration touched by his Ma-
 “ jesty,

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‘ jesty, which to me seems to sound, like a Parliamentary Pact or Covenant.

‘ A War was devised here, Assistance professed, yea, and protested here: I do but touch it, I know you will deeply think on it; and the more, for the Example the King hath set you; his Lands, his Plate, his Jewels he hath not spared to supply the War: What the People hath protested, the King, for his part, hath willingly performed.

‘ Secondly, for the Cause sake. It concerns us in Christian Charity to tender the Distresses of our Friends abroad; it concerns us in Honour not to abandon them, who have stood for us. And if this comes not close enough, you shall find our Interest so woven and involved with theirs, that the Cause is more ours than theirs. If Religion be in peril, we have the most flourishing and orthodox Church: If Honour be in question, the Stories and Monuments in former Ages will shew, that our Ancestors have left us as much as any Nation: If Trade and Commerce be in Danger, we are Islanders, it is our Life. All these at once lie at Stake, and so doth our Safety and Being.

‘ Lastly, in respect of the manner of his Majesty’s Demand, which is in Parliament, the way that hath ever best pleased the Subjects of *England*. And good Cause for it: For, Aids granted in Parliament work good Effects for the People; they be commonly accompanied with wholesome Laws, gracious Pardons, and the like. Besides, just and good Kings finding the Love of their People, and the Readiness of their Supplies, may the better forbear the Use of their Prerogatives, and moderate the Rigour of the Laws towards their Subjects.

‘ This way, as his Majesty hath told you, he hath chosen, not as the only way, but as the fittest; nor as destitute of others, but as most agreeable to the Goodness of his own most gracious Disposition, and to the Desire and Weal of his People. If this
‘ be

be deferred, Necessity and the Sword of the Enemy make way to the others. Remember his Majesty's Admonition, I say, remember it.

' Let me but add, and observe God's Mercy towards this Land above all others. The Torrent of War hath overwhelmed other Churches and Countries; but God hath hitherto restrained it from us, and still gives us warning of every approaching Danger, to save us from Surprize. And our gracious Sovereign, in a true Sense of it, calls together his High Court of Parliament, the lively Representation of the Wisdom, Wealth and Power of the whole Kingdom, to join together to repel those hostile Attempts, which distressed our Friends and Allies, and threatned ourselves.

' And therefore it behoves all to apply their Thoughts unto Counsel and Consultations, worthy the Greatness and Wisdom of this Assembly; to avoid Discontents and Divisions, which may either distemper or delay; and to attend that *Unum necessarium*, the common Cause; propounding for the Scope and Work of all the Debates, the general Good of the King and Kingdom, whom God hath joined together with an indissoluble Knot, which none must attempt to cut or untie. And let all, by Unity and good Accord, endeavour to pattern this Parliament by the best that have been, that it may be a Pattern to future Parliaments, and may infuse into Parliaments a kind of multiplying Power and Faculty, whereby they may be more frequent, and the King our Sovereign may delight to sit on his Throne, and from thence to distribute his Graces and Favours umongst his People.

' His Majesty hath given you cause to be confident of this you have heard from his Royal Mouth; which nevertheless he hath given me express Command to redouble: If this Parliament, by their dutiful and wise Proceedings, shall but give this Occasion, his Majesty will be ready not only to manifest his gracious Acceptation, but to put out

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‘ all Memory of those Distresses that have troubled
 ‘ former Parliaments.
 ‘ I have but one Thing more to add, and that is
 ‘ As your Consultations be serious, to let them be
 ‘ speedy. The Enemy is before-hand with us, and
 ‘ flies on the Wings of Success. We may daily and
 ‘ play with the Hour-glass that is in our Power,
 ‘ but the Hour will not stay for us, and an Op-
 ‘ portunity once lost, cannot be regained.
 ‘ And therefore resolve of your Supplies, that
 ‘ they may be timely and sufficient, serving the
 ‘ Occasion: Your Council, your Aid, all is, but
 ‘ lost, if your Aid be either too little or too late:
 ‘ And his Majesty is resolved, that his Affairs cannot
 ‘ permit him to expect it over-long.’

*The King's
 Intent in
 these two
 Speeches,
 and Re-
 marks
 thereon.*

These two Speeches need no Comment, since they plainly enough speak both the King's Principles concerning the Use of Parliaments, and what his Intention was, in case he received not from the present Parliament the Satisfaction he expected. The King does not seem to have made use of a proper Means to gain the Good-will of the *Commons*. But it must be observed, that nothing was more opposite to his Temper, than to stoop to court his Parliament. He thought it a wonderful Piece of Condescension to declare, That although he had other Ways of raising Money, he was very willing to follow the old Method of demanding a Supply from the Parliament. But for fear the *Commons* should think he was drove to it by a kind of Necessity, he took care to let them know, that in case the Money he wanted were not granted, he had it in his Power to raise it other ways. This was the sole End of these two Speeches.

As to the two Arguments alledged by the Lord-Keeper to stir up the *Commons* to give a plentiful Supply to the King, they were too much exaggerated to have any great Effect. The pretended Preparations of the *Spaniards* to invade *England* were a mere Chimæra without any Foundation. Indeed, during this whole

whole War, the Spaniards made no Attempt upon *Great-Britain* or *Ireland*: Nay, it was in the King's Power to make Peace with the *Spaniard*, who had no Demands upon him, and yet he would fain make believe that *England* was in imminent Danger. As to the Argument so often repeated, that the Parliament had advised the War, it was so worn out, that it could not make the least Impression. There was not then a Man in *England* but what was perfectly informed that the King and Duke of *Buckingham* were the real Authors of the *Spanish* War, and that it was by pure Fraud and Artifice that they got the Parliament to give the Advice the King always insisted upon.

Before the *Commons* had entered into any Debates, there was a long Letter communicated to them, directed, To my noble Friends of the Lower-House of Parliament, and dispersed under the Title of *A Speech without Door*. The Author, who was unknown, pretended to have been formerly a Member of the Lower-House, though he was not chosen to serve in the present Parliament. His Aim was to advise the *Commons* how they were to proceed, and to lay before them the sundry Grievances complained of by the People. This Writing made a great Noise at that Time; but I do not think it necessary to give any Account of the Contents, since they were only the Sentiments of a private Person.

After the two Houses had presented a Petition to the King for a Fast, the *Commons* began to examine the Grievances of the Nation, and seemed determined to grant no Supply till these Grievances were redressed. The First they took into Consideration were, Billleting of Soldiers, Loans by Benevolence and Privy-Seals, Imprisonment of Gentlemen refusing to lend, Denial of Release upon a *Habeas Corpus*; and several Speeches were made upon these Occasions. Sir Francis Seymour among other Things said, — How can we think of giving of Subsidies, till we know whether we have any thing to give or no? For if his Majesty be persuaded by any to take from his Subjects what he will, and where it pleaseth

1627 8.

A Letter called the Speech without Doors, published in the Beginning of the Parliament. Ruth. Vol. I. P 449.

Divers Speeches in the House concerning Grievances.

1627-8. *pleaseth him; I would gladly know what we have to give? — Hath it not been preached in our Pulpits, that all we have is the King's JURE DIVINO? —*

Sir Thomas Wentworth, who was afterwards so well known by the Name of Earl of Strafford, distinguished himself by a Speech against the Government. He said truly, that these Things were not to be imputed to the King but to the Projectors; that is, to the Ministers or others who had formed the Design of stretching the Prerogative beyond its due Bounds, of

Rush. Vol. 1. p. 500. whom he spoke in this manner: They have brought the Crown into greater want than ever, by anticipating the Revenues: And can the Shepherd be thus smitten and the Sheep not scattered? They have introduced a Privy-Council, raising at once the Spheres of all ancient Government, imprisoning us without either Bail or Bond; they have taken from us, what? What shall I say indeed, what have they left us? All Means of supplying the King and ingratiating ourselves with him, taking up the Root of all Propriety? —

Sir Edward Coke's.

Sir Edward Coke, a great Lawyer, spoke chiefly to the Grievance of the Loans, and said among other Things: Who will give Subsidies, if the King may impose what he will? And if, after Parliament, the King may inbalance what he pleaseth? — The King cannot tax any by way of Loans — Thereupon he quoted the Statute of 25 Edward III, wherein it is said, That Loans against the Will of the Subject, are against Reason and the Franchises of the Land; — and concluded with this Paragraph out of Magna Charta — Nullus liber homo capiatur vel imprisonetur aut diffisetur de libero tenemento suo, &c. nisi per legale judicium parium suorum vel per legem terræ. Another

** Sir Robert Philips.*

** Speaking of the Imprisonment of those who had refused to lend the King Money, said, — O improvident Ancestors! O unwise Forefathers! to be so curious in providing for the quiet Possession of our Lands and Liberties of Parliament, and to neglect our Persons and Bodies, and to let them die in Prison, and that durante beneplacito, remediless: If this be Law, what do we talk of our Liberties? Why do we trouble ourselves*

elves with the Dispute of Law, Franchises, Propriety of Goods? What may a Man call his, if not Liberty? — 1627-8.

I intend not to enter into a more particular Account of what was said in the House of Commons upon these Points. This is enough to show how the Majority stood affected. All their Arguments tended to demonstrate, that if the King had Power to take the Goods of his Subjects by a bare Act of his Will, either by way of Loan or otherwise, and to imprison such as refused to comply with his Will, without their being admitted to Bail, one of these two Things must be; they must resolve either to be entirely subject to the King's Pleasure, or begin with firmly establishing the Rights of the People, that Tyranny may be avoided. The Court-Party durst not directly oppose this general Sentiment; but they strove, by several Arguments, to intimate, that in order to gain his Majesty's good Will, before all Things a Supply must be granted. Then they gave Hopes that the King, moved with such a Token of Affection for his Person, would not be against redressing the *Grievances*. But this made little Impression upon the Rest, who were vastly the Majority, and who verily believed, that to begin with the *Subsidies* was the ready way to have nothing done about the *Grievances*. Mean while, to make a Diversion, Secretary Coke presented to the House certain Propositions from the King touching Supply: But it was resolved, that the Reading thereof should be deferred till the House had taken some Resolution about the *Grievances*, especially the Imprisonment of the Subjects, and Denial of Bail. There were very great Debates upon these Points, and the Judges themselves were heard. At last, the House came to the following Resolutions, directly contrary to the King's Pretensions, and the Judges Determinations: That is to say, they established Maxims opposite to those of the King; namely,

- 1. That no Freeman ought to be detained or kept in Prison, or otherwise restrained by the Com-

The Courtiers try to put off the Examination of Grievances.

Propositions from the King put off to another Day.

March 25.
Rush. Vol. I. p. 505.

The Commons Resolution.
Ibid.

mand p. 513.

1627 8.

‘mand of the King or Privy-Council, or any other, unless some Cause of the Commitment, Detainer or Restraint be expressed, for which by Law he ought to be committed, detained or restrained.

‘II. That the Writ of *Habeas Corpus* may not be denied, but ought to be granted to every Man that is committed or detained in Prison, or otherwise restrained, though it be by the Command of the King, the Privy-Council, or any other, he praying the same.

‘III. That if a Freeman be committed or detained in Prison, or otherwise restrained by the Command of the King, the Privy-Council, or any other, no Cause of such Commitment, Detainer, or Restraint being expressed, for which by Law he ought to be committed, detained, or restrained, and the same be returned upon a *Habeas Corpus*, granted for the said Party, then he ought to be delivered or bailed.

‘IV. That it is the antient and undubitable Right of every Freeman, that he hath a full and absolute Property in his Goods and Estate; that no Tax, Tallage, Loan, Benevolence, or other like Charge ought to be commanded or levied by the King, or any of his Ministers, without common Consent by Act of Parliament.

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*The King's
Demands.*

Ruth. Vol.

l. p. 513.

The Propositions tendred the Day before by Secretary Coke from his Majesty, were now received and read, but the Debate thereof was referred to another Day. The Propositions were these:

‘1. To furnish with Men and Victuals Thirty Ships to guard the narrow Seas, and along the Coasts.

‘2. To set out Ten other Ships for Relief of the Town of Rochel.

‘3. To set out Ten other Ships for the Preservation of the *Elbe*, the *Sound*, and *Baltick* Sea.

‘4. To

4. To levy Arms, Cloth, Victual, Pay, and transport an Army of a Thousand Horse, and Ten Thousand Foot for foreign Service.
5. To pay and supply Six Thousand more for the Service of *Denmark*.
6. To supply the Forts of the Office of Ordnance.
7. To supply the Stores of the Navy.
8. To build Twenty Ships yearly for the Increase of the Navy.
9. To repair the Forts within the Land.
10. To pay the Arrears of the Office of Ordnance.
11. To pay the Arrears of the Victuallers Office.
12. To pay the Arrears of the Treasure of the Navy.
13. To pay the Arrears due for the Freight of divers Merchant-Ships employed in his Majesty's Service.
14. To provide a Magazine for Victuals for Land and Sea-Service."

The House easily perceived by the Reading of these Articles, that it would be a Work of infinite Labour, to examine the Necessity and Justice of every one; and as there were no Estimates made, they plainly saw, if they should take the Particulars into Consideration, the Court would mount the Expence very high. Wherefore, without entering into any Discussion, they resolved in general to grant the King a large Supply.

The Council's Conduct examined.

After that, they returned to the Examination of this particular Grievance, That the King's Council, by their bare Authority, had confined to their Houses, some of those that refused to lend Money; had sent away others to distant Places from their Homes, and had constrained some others on the same Account, to go and serve the King in foreign Countries.

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tries *. Upon this Point, Sir Thomas Wentworth said, If any Man owes a Man a Displeasure, and shall procure him to be put into foreign Employment, it will be a Matter of high Concernment to the Subject: We know the Honour and Justice of the King, but we know not what his Ministers, or the Mediation of Ambassadors may do to work their own Wrath upon any Man. These Debates produced this Resolution:

Resolution
of the
House.

That no Freemen ought to be confined by any Command from the King, or Privy Council, or any other, unless it be by Act of Parliament, or by other due Course or Warrant of Law.

Message
from the
King about the
Duke of
Buckingham.

Rush. Vol.
I. p. 523.

All these Determinations promised the King no Good with respect to his Prerogative; and as he was afraid the Commons would fall again upon the Duke of Buckingham, he tried to divert them from it by a Message brought to the House by Secretary Coke. It was upon a Rumour that the Duke had spoken ill of the Parliament at the Council-board. The King assured it was not true; and the Secretary added, That had the Duke so spoken, he would have contradicted himself, for the whole Council could bear him witness that he was the first Mover of calling the Parliament. But he took care not to tell them that it was merely out of Policy pursuant to Cotton's Advice.

Another
Message
from the
King to
the Commons.

The next Day the King sent another Message to the Commons, desiring them to take the Business of Supply into Consideration. He told them likewise, that as to the Freedom of Persons, and Propriety of Goods, he was willing to come into any Expedients which should be judged convenient by way of Bill or otherwise; and that the more Confidence they should show in his Grace and Goodness, the more they should prevail to obtain their Desires.

Five Sub-
sidies voted

Upon this Message, the House unanimously voted Five Subsidies to the King; but they returned immediately to the Examination of Grievances, and held a Conference with the Lords upon that Subject.

Easter-

* Sir Peter Hayman, who was sent into the Palatinate for refusing to lend Money, opened his own Case. See Rush. Vol. I. p. 522.

Easter-Holidays approaching, the King sent and desired the *Commons* not to adjourn, that Affairs might be the more speedily dispatched. This Message occasioned a Debate, some Members fearing such a Precedent might be a Prejudice to the Privileges of the *House*, and that the King for the future should think he had Power to hinder an Adjournment when he pleased. But at length it was resolved to do as the King desired. 1628. *The King hinders the House from adjourning as Easter. Ibid. 537.*

The 14th of April Secretary Coke moved the Dispatch of the Subsidies, saying, the Votes to grant the King Money were nothing till turned into a Bill. But as several were against it, it was resolved, that *Grievances* and *Supply* should go Hand in Hand. He presses the Commons about Supply. Resolves that Supply and Grievances go Hand in Hand. A threatening Message from the King. Rush. Vol. I. p. 538.

The Day following Coke brought another Message from the King to the *House*, to this Effect: That his Majesty had long since expected some Fruit of that which was so happily begun; but finding a Stop beyond all Expectation, his Command was, that without any further Delay they should proceed in the Business of Supply. For notwithstanding his consenting that Supply and Grievances should go together, his Meaning was not, that the one should give Interruption to the other, nor the Time be spun out on any Pretence. And therefore bid them take heed that they did not force him to make an unpleasing End of that which was so well begun.

This Message did the King great Injury. 1. Because of the Threatning. 2. By reason of his Instances that the Affair of Supply should be dispatched before that of Grievances. For it was not doubted, that if the First were finished, the Parliament would be immediately prorogued. 3. Lastly, The King's Backwardness to redress the Grievances was a clear Evidence, that he would never be brought to it of his own accord, and consequently it was necessary to constrain him thereto. This was so much the more probable, as Coke, when he delivered the Message, added, That the King would willingly hear any thing concerning the Abuses of Power, but not about Power.

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Power itself. These Expressions were liable to many Cavils, and plainly enough hinted, that the King reserved to himself, by this Restriction, a Means to elude the Grievances. And indeed, *Coke* being moved to explain what he meant by the Word [*Power*] refused to do it *.

Another
Message
from the
King upon
the same
Account.

Two Days after, the Secretary delivered another Message from the King, to hasten the Business of the Supply. These Messages, which came thus one after another, gave frequent Occasions to the Court-Party to press the *House* to content his Majesty. In all their Speeches upon this Head, they agreed all in one and the same Point: Which was to inspire the *House* with a Dread, that a Quarrel between them and the King would be fatal to Parliaments, and give the King Occasion to proceed without them for the future. As the King himself and the Lord-Keeper by his Order had frequently made use of the same Means to frighten the *Commons*, it could not be doubted but these Men spoke pursuant to the Intentions, and perhaps by the Order, of the Court. A Privy-Counsellor's Speech in the *Lower-House* last Parliament was not yet forgot, and of which the *Commons* had thought fit to take notice, in the *Remonstrance* they would have presented to the King. The Intent of that Speech was to intimate to the *Commons*, that in case they did not content the King, they would run the Risk of being the Cause that there would be no more Parliaments in *England*. This Threat so often hinted, one while by the King himself, another while by the Lord-Keeper, now again by Members of the *House* known to be devoted to the Court, sometimes in dark, sometimes in plain Terms, begot a quite contrary Effect to what the King expected. Instead of terrifying the *Commons*, it made them sensible how watchful they ought to be of the King's Proceedings, lest their Condescension, or even their Silence, should autho-

* He answered, I cannot descend to Particulars, or go from that his Majesty gave me Warrant or Power to deliver. *Rush. Vol. I. p 539.*

rise some Things very prejudicial to the Liberties of the Nation whom they represented. *What, said most of the Members among themselves, we are threatened, that if we don't grant the King whatever he requires, and just when he pleases; if we oppose his Pleasure, even when contrary to the Laws, he will govern without a Parliament; that is, with an unlimited Power; he will imprison our Persons, seize our Estates, and consider the whole Kingdom as his Property. But he has done more than threatened us; he has put his Threats in Execution already. Which then is best, for him to usurp an absolute Power against our Will, or for us to suffer it, nay approve of it by our Silence and servile Fears? Of the Two, certainly the First is least dangerous. A Time may come when the King shall have Occasion for Parliaments, and then we shall be able to recover the Ground we shall have lost. But if we betray the Interests of our Country, by tamely yielding to the King the Power he would assume, our Liberty will be lost past all hopes of Redemption. We shall lay upon our selves and our Posterity a Yoke which our Forefathers could never bear, and be held in Abhorrence by the whole Nation. And after all, what shall we get by our Condescension? Why, the King will continue the Use of Parliaments, provided that he shall be absolute Master; order them to give him such a Sum, and by such a Time; forbid them to examine Grievances; in a word, manage them entirely as he pleases. Thus we shall prevent the King's governing without a Parliament; but then we shall establish a Precedent which will render Parliaments for ever Slaves to the King and his Ministers.*

Such were the Reasonings of the greatest Part of the Commons, and though they did not openly say these very Words, the House showed by their whole Conduct, that these Considerations were the real Ground of all their Proceedings. For this Reason it was that they resolved to desire an Audience, to return an Answer to all his Majesty's Messages, and to present to him withal a Petition concerning Bill-
letting of Soldiers upon the Subject. The Repre-

sentation

1628. sentation they made to the King by the Mouth of their Speaker was as follows :

Most gracious and Dread Sovereign,

The Speaker's Speech to the King, at the Delivery of the Petition for billatt-ing Soldiers.

Rush. Vol. I. p. 540.

‘ **Y**OUR dutiful and loyal Commons here assembled, were lately humble Suitors to your Majesty for Access to your royal Presence ; the Occasion that moved their Desires herein, was a particular of Importance, worthy your princely Consideration ; which, as it well deserves, should have been the only Subject of my Speech at this time.

‘ But since your gracious Answer for this Access, obtained by a Message from your Majesty, they have had some Cause to doubt, that your Majesty is not so well satisfied with the Manner of their Proceedings, as their hearty Desire is you should be, especially in that part which concerns your Majesty’s present Supply, as if in the Prosecution thereof they of late used some Slackness or Delay.

‘ And because no Unhappiness of theirs can parallel with that which may proceed from a Misunderstanding in your Majesty of their clear and loyal Intentions, they have commanded me to attend your Majesty with an humble and summary Declaration of their Proceedings since this short time of their sitting, which they hope will give your Majesty abundant Satisfaction, that never People did more truly desire to be endeared in the Favour and gracious Opinion of their Sovereign ; and withal to let you see, that as you can have no where more faithful Counsel, so your great Designs and Occasions can no way be so speedily or heartily supported, as in this old and antient Way of Parliament.

‘ For this purpose they humbly beseech your Majesty to take into your royal Consideration, that although by antient Right of Parliament, the Matters there debated are to be disposed in their true Method

' Method and Order, and that their constant Custom
 ' hath been to take into their Considerations the
 ' common Grievances of the Kingdom, before they
 ' enter upon the Matter of Supply; yet to make a
 ' full Expression of that Zeal and Affection which
 ' they bear to your Royal Majesty, equally at least,
 ' if not exceeding the best Affections of their Pre-
 ' decessors, to the best of your Progenitors; they
 ' have in this Assembly, contrary to the ordinary
 ' Proceedings of Parliament, given your Majesty's
 ' Supply Precedence before the common Grievance
 ' of the Subject, how pressing soever, joining with
 ' it only those fundamental and vital Liberties of
 ' the Kingdom, which give Subsistence and Ability
 ' to your Subjects.

' This was their original Order and Resolution,
 ' and was grounded upon a true Discerning, that
 ' these two Considerations could not be severed, but
 ' did both of them entirely concern your Majesty's
 ' Service, consisting no less in enabling and encour-
 ' aging the Subject, than in proportioning a Pre-
 ' sent suiting to your Majesty's Occasions and their
 ' Abilities; nay, so far have they been from using
 ' any unnecessary Delays, as though, of the Two,
 ' that of Supply were the latter Proposition amongst
 ' them, the Grand Committee to which both were
 ' referred, hath made that of your Majesty's Sup-
 ' ply first ready for Conclusion.

' And to be sure your Majesty's Supply might re-
 ' ceive no Interruption by the other, differing from
 ' Usage and Custom (in Cases of this Nature) sent
 ' up of those that concern the Subjects by Parcels,
 ' some to your Majesty, and some to the Lords, to
 ' the End your Majesty might receive such speedy
 ' Content, as suited with the largest and best Extent
 ' of their first Order.

' Sir, you are the Breath of our Nostrils, and the
 ' Light of our Eyes, and besides those many Com-
 ' forts, which under you and your Royal Progeni-
 ' tors, in this Frame of Government, this Nation

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‘ hath enjoyed, the Religion we profess hath taught
 ‘ us whose Image you are; and we do all most hum-
 ‘ bly beseech your Majesty to believe, that nothing
 ‘ is or can be more dear unto us than the sacred
 ‘ Rights and Prerogatives of your Crown: no Person
 ‘ or Council can be greater Lovers of you, nor be
 ‘ more truly careful to maintain them; and the Pre-
 ‘ serving of those fundamental Liberties which con-
 ‘ cern the Freedom of our Persons, and Propriety
 ‘ of Goods and Estates, is an essential Means to esta-
 ‘ blish the true Glory of a Monarchy.

‘ For rich and free Subjects, as they are best go-
 ‘ verned, so they are most able to do your Majesty
 ‘ Service, either in Peace or War, which next under
 ‘ God hath been the Cause of the happy and famous
 ‘ Victories of this Nation, beyond other King-
 ‘ doms of larger Territories and greater Number of
 ‘ People.

‘ What Information soever contrary to this
 ‘ shall be brought unto your Majesty, can come
 ‘ from no other than such as for their own Ends,
 ‘ under Colour of advancing the Prerogative, do
 ‘ indeed undermine and weaken Royal Power by
 ‘ impoverishing the Subjects, render this Monarchy
 ‘ less glorious, and the People less able to serve
 ‘ your Majesty.

‘ Having (by this that hath been said,) cleared
 ‘ our Hearts and Proceedings to your Majesty, our
 ‘ Trust is, that in your Royal Judgement we shall be
 ‘ free from the least Opinion of giving any necessary
 ‘ Stop to our Proceedings in the Matter of your
 ‘ Supply, and that your Majesty will be pleased to
 ‘ entertain belief of our Alacrity, and Chearfulness
 ‘ in your Service, and that hereafter no such Mis-
 ‘ fortune shall befall us, to be misunderstood by
 ‘ your Majesty in any thing.

‘ We all most humbly beseech your Majesty to
 ‘ receive no Information in this or any other Busi-
 ‘ ness from private Relations, but to weigh and judge
 ‘ of

‘ of our Proceedings by those Resolutions of the
‘ House that shall be represented from our selves.

‘ This rightly and graciously understood, we are
‘ confident from the Knowledge of your Goodness
‘ and our own Hearts, that the Ending of this Par-
‘ liament shall be much more happy than the Begin-
‘ ning, and be to all Ages stiled the *blessed Parlia-
‘ ment*, for making perfect Union between the best
‘ King and the best People, that your Majesty may
‘ ever delight in calling us together, and we in the
‘ Comforts of your gracious Favour towards us.

‘ In this Hope I return to my first Errand, which
‘ will best appear by that which I shall humbly de-
‘ sire you to hear, and being an humble Petition
‘ for the House of *Commons*, for redressing of those
‘ many Inconveniencies and Distractions that have
‘ befallen your Subjects by the Billeting of Soldiers
‘ in private Mens Houses against their Wills

‘ Your Royal Progenitors have ever held your
‘ Subjects Hearts the best Garrison of this Kingdom,
‘ and our humble Suit to your Majesty is, that our
‘ Faith and Loyalty may have such Place in your
‘ Royal Thoughts, as to rest assured that all your
‘ Subjects will be ready to lay down their Lives for
‘ the Defence of your sacred Person, and this King-
‘ dom.

‘ Not going our selves into our Countries this
‘ *Easter*, we should think it a great Happiness to us,
‘ as we know it would be a singular Comfort and
‘ Encouragement to them that sent us hither, if we
‘ might but send them the News of a gracious An-
‘ swer from your Majesty in this Particular, which
‘ the Reasons of the Petition we hope will move
‘ your most excellent Majesty graciously to vouch-
‘ safe us.’

‘ *The Petition concerning the Billeting of*
 ‘ *Soldiers presented to the King’s most*
 ‘ *Excellent Majesty,*

*Petition
 concerning
 the Billet-
 ing of
 Soldiers.*
 Rush.
 Vol. I.
 p. 542.

‘ **I**N all Humility complaining, sheweth unto your
 ‘ most Excellent Majesty your loyal and dutiful
 ‘ *Commons* now in Parliament assembled, That
 ‘ whereas by the fundamental Laws of this Realm,
 ‘ every Freeman hath, and of right ought to have, a
 ‘ full and absolute Propriety in his Goods and E-
 ‘ state, and that therefore the Billeting and Placing
 ‘ the Soldiers in the House of any such Freeman a-
 ‘ gainst his Will, is directly contrary to the said
 ‘ Laws, under which we and our Ancestors have
 ‘ been so long and happily governed; yet in appa-
 ‘ rent Violation of the said antient and undoubted
 ‘ Right of all your Majesty’s loyal Subjects of this
 ‘ your Kingdom in general, and to the grievous and
 ‘ insupportable Vexation and Detriment of many
 ‘ Counties and Persons in particular, a new and al-
 ‘ most unheard-of Way hath been invented and put
 ‘ in Practice, to lay Soldiers upon them, scattered
 ‘ in Companies here and there, even in the Hearts
 ‘ and Bowels of this Kingdom; and to compel ma-
 ‘ ny of your Majesty’s Subjects to receive and lodge
 ‘ them in their own Houses, and both themselves
 ‘ and others to contribute towards the Maintainance
 ‘ of them, to the exceeding great Disservice of your
 ‘ Majesty, the general Terrour of all, and utter Un-
 ‘ doing of many of your People, insomuch as we
 ‘ cannot sufficiently recount, nor, in any way pro-
 ‘ portionable to the lively Sense that we have of our
 ‘ Miseries herein, are we able to represent unto your
 ‘ Majesty the innumerable Mischiefs and most grie-
 ‘ vous Vexations that by this Means alone we do now
 ‘ suffer, whereof we will not presume to trouble
 ‘ your sacred Ears with particular Instances; only,
 ‘ most gracious Sovereign, we beg Leave to offer to
 ‘ your

' your most gracious View, a compassionate Consi-
' deration of a View of them in particular.

' 1. The Service of Almighty God is hereby great-
' ly hindred, the People in many Places not daring to
' repair to the Church, lest in the mean Time the
' Soldiers should rifle their Houses.

' 2. The antient and good Government of the
' Country is hereby neglected, and almost con-
' tamin'd.

' 3. Your Officers of Justice in Performance of
' their Duties have been resisted and endangered.

' 4. The Rents and Revenues of your Gentry
' greatly and generally diminished; Farmers to se-
' cure themselves from the Soldier's Insolence, being
' by the Clamour or Sollicitation of their fearful and
' injured Wives and Children, enforced to give up
' their wonted Dwellings, and to retire themselves
' into Places of more secure Habitation.

' 5. Husbandmen, that are as it were the Hands
' of the Country, corrupted by ill Example of the
' Soldiers, and encouraged to idle Life, give over
' Work, and rather seek to live idly at another Man's
' Charges, than by their own Labours.

' 6. Tradesmen and Artificers almost discouraged,
' and being enforced to leave their Trades, and to
' employ their Time in preserving themselves and
' their Families from Cruelty.

' 7. Markets unfrequented, and our Ways grown
' so dangerous, that the People dare not pass too
' and fro upon their usual Occasions.

' 8. Frequent Robberies, Assaults, Batteries,
' Burglaries, Rapes, Rapines, Murders, barbarous
' Cruelties, and other most abominable Vices and
' Outrages are generally complained of from all
' Parts where these Companies have been and had
' their Abode, few of which Insolencies have been so
' much as questioned, and fewer according to their
' Demerit punished.

‘ These, and many other lamentable Effects (most dread and dear Sovereign) have by the Billeting of Soldiers already fallen upon us your loyal Subjects, tending no less to the Disservice of your Majesty, than to their Impoverishing and Destruction, so that thereby they are exceedingly disabled to yield your Majesty those Supplies for your urgent Occasions, which they heartily desire; and yet they are further perplexed with Apprehension of more approaching Danger, one in regard of your Subjects at Home, the other of Enemies from Abroad, in both which respects it seems to threaten no small Calamity to the meaner Sort of your People, being exceeding poor, whereof in many Places are great Multitudes, and therefore in Times of more settled and most constant Administration of Justice, not easily ruled, are most apt upon this Occasion to cast off the Reins of Government, and by joining themselves with those disordered Soldiers, are very like to fall into Mutiny and Rebellion; which in faithful Discharge of our Duties we cannot forbear most humbly to represent to your high and excellent Wisdom, being pressed with probable Fears that some such Mischief will shortly ensue, if an effectual and speedy Course be not taken to remove out of the Land, or otherwise to disband those unruly Companies.

‘ For the second, we do most humbly beseech your Majesty to take into your Princely Consideration, that many of those Companies, besides their dissolute Dispositions and Carriages, are such as do openly profess themselves Papists, and therefore to be suspected, that if Occasion serve they will rather adhere to a foreign Enemy of that Religion, than to your Majesty, their Liege Lord and Sovereign, especially some of their Captains and Commanders, being as Popishly affected as themselves, and having served in the Wars on the Part of the King of *Spain*, and Arch-Dutchess against

‘gainst your Majesty’s Allies; which of what pernicious Consequence it may prove, and how prejudicial to the Safety of your Kingdom, we leave to your Majesty’s high and princely Wisdom.

‘And now upon these, and many more which might be alledged, most weighty and important Reasons, grounded on the Maintenance of the Worship and Service of Almighty God, the Continuance and Advancement of your Majesty’s high Honour and Profit, the Preservation of the ancient and undoubted Liberties of your People, and therein of Justice, Industry, Valour, which nearly concern the Glory and Happiness of your Majesty and all your Subjects, and the Preventing of Calamity and Ruin of both Church and Commonwealth:

‘We your Majesty’s most humble and loyal Subjects, the *Knights, Citizens, and Burgesses* of your House of Commons, in the Name of all the Commonalty of your Kingdom, who are upon this Occasion most miserably disconsolate and afflicted, prostrate at the Throne of your Grace and Justice, do most ardently beg a present Remove of this insupportable Burden, and that your Majesty would be graciously pleased to secure us from the like Pressure in the Time to come.’

It is a merry Thing enough to see how the King and Commons transacted together. There was nothing but Evasion and Artifice on both Sides. They expressed not their real Thoughts, when they spoke to each other, and yet they understood one another perfectly, though they made as if they did not. The Commons knew very well that the Reasons to justify the Delay of Supply, alledged in their Representation, were not good, and that the King was persuaded of the same. But they thought he would seem to be

Remark on the Behaviour of the King and Commons.

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satisfied with them, that he might not oblige them to tell him to his Face that they could not trust to his Promises, and that they looked upon this Delay as the only Way to have their Grievances redressed. The King feigned to be ignorant of this Reason, and took Advantage of the *Commons* using dark Hints, and going about the Bush, instead of speaking their Minds plainly. On the other Hand, though the King had no Design to redress Grievances, he would fain however have it thought that he intended it as soon as the Business of Supply was dispatched. The *Commons* on their Part, feigning not to know his Thoughts, had a Mind to make believe that the Delay of Supply came from quite another Cause, though they were sure the King could not be mistaken. But as the King did not think himself obliged to use the same Ceremony with the *Commons*, as they ought to do with him, he talked to them in a higher Strain, well-knowing that they would not, unless Things should come to Extremities, be induced to speak more plainly. To their Representation therefore he made this Reply.

Mr. Speaker, and Gentlemen,

*The King's
Reply.
Rush.
Vol. I.
p. 545.*

‘ **W**HEN I sent you my last Message, I did
 ‘ not expect a Reply, for I intended it to
 ‘ hasten you : I told you at your first Meeting this
 ‘ Time was not to be spent in Words, and I am sure
 ‘ it is less fit for Disputes, which if I had a Desire to
 ‘ entertain, Mr. *Speaker's* Preamble might have gi-
 ‘ ven me ground enough : The Question is not now
 ‘ what Liberty you have of disposing of Matters
 ‘ handled in your House, but rather at this Time
 ‘ what is fit to be done.
 ‘ Wherefore I hope you will follow my Example,
 ‘ in eschewing Disputation, and fall to your impor-
 ‘ tant Business. You make a Protestation of your
 ‘ Affection and Zeal to my Prerogative, grounded
 ‘ upon such good and just Reasons, that I must be-
 ‘ lieve

' lieve you : But I look that you use me with the
' like Charity, to believe what I have declared more
' than once since your Meeting with us, that I am
' as forward as you for the necessary Preservation of
' your true Liberties. Let us not spend so much
' Time in this, that may hazard both my Preroga-
' tive and your Liberties to our Enemies.

' To be short, go on speedily with your Business,
' without any more Apologies, for Time calls fast on
' you, which will neither stay for you nor me :
' Wherefore it is my Duty to hasten, as knowing the
' Necessity of it, and yours to give Credit to what
' I say, as to him that sits at the Helm.

' For what concerns your Petition, I shall make
' Answer in a convenient Time.'

I have already said, that the *Commons* meant to reap some Advantage by the five *Subsidies* which they were very willing to grant the King, and that this was a necessary Condition, which they continually insinuated, though they avoided using the Word. To this End, they had prepared a *Petition* to be presented to the King in the Name of both *Houses*, to which they desired the Concurrence of the Lords. This *Petition* was termed the *Potion of Right*, because the Intent of it was not to desire of the King any Grace or Favour, but only the Maintenance of the Liberties of the Subject. For this Reason it was to be solemnly presented to the King on his Throne by way of *Bill*, and the King was to reply to it in a Parliamentary manner. A Draught of it had been sent up to the Lords for their Concurrence *. The King was alarmed at it. He was desirous to avoid having such a *Petition* presented to him, which too plainly estab-
lished

*Project of
a Petition
of Rights
to be pre-
sented to
the King
by both
Houses.*

*The King
tries to
hinder it.*

* The King's Serjeant *Ashley* said in his Discourse, that the *Propo-
sitions made by the Commons tended rather to Anarchy than Monar-
chy, and that they must allow the King to govern by Acts of State.*
For which the Lords committed him, and he recanted. *Engl. 1.*
p. 545. Whis. p. 10.

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blished the Rights of the People, because he saw that in Case he rejected it, he should lose the five *Subsidies*, the *Bill* not being yet passed. On the other Hand, by granting the Contents of the *Petition*, he tied up his own Hands for the future, and confessed withal that the Acts of Authority he had till then exercised, were contrary to Law. Into this very Streight also it was that the *Commons* wanted to draw him by the *Petition of Right*. Wherefore he omitted nothing that was in his Power to ward off this Blow. As he had a great Party in the *House* of Lords, he managed it so, that they, by pretending to agree with the *Commons* upon the Substance of the *Petition*, moved the praying his Majesty to make the following Declarations.

Propositions made by the Lords, touching the Petition of Right.
Rush.
Vol. I.
p. 546.

‘ 1. That the good old Law called *Magna Charta*, and the *six Statutes*, conceived to be Declarations and Explanations of that Law, do still stand in force to all Intents and Purposes.

‘ 2. That his Majesty would be pleased graciously to declare, That according to *Magna Charta*, and the *Statutes* afore-named, as also according to the most antient Customs and Laws of this Land, every free Subject of this Realm hath a fundamental Propriety in his Goods, and a fundamental Liberty of his Person.

‘ 3. That his Majesty would be graciously pleased to declare, That it is his Royal Pleasure to ratify and confirm unto all and every his loyal and faithful Subjects, all their ancient, several, just Liberties, Privileges, and Rights, in as ample and beneficial manner to all Intents and Purposes, as their Ancestors did enjoy the same under the best of his most noble Progenitors.

‘ 4. That his Majesty would be further pleased graciously to declare, for the good Content of his loyal Subjects, and for the securing them from future Fear, That in all Cases within the Cognizances of the Common Law concerning the Liberties

'berries of the Subject, his Majesty would proceed
'according to the Common Law of this Land, and
'according to the Laws established in the Kingdom,
'and in no other manner or wise.

'5. As touching his Majesty's Royal Prerogative,
'intrinſical to his Sovereignty, and intruſted him
'withal from God, *ad communem totius populi ſalu-*
'*tem, & non ad deſtructionem*, That his Majesty
'would reſolve, not to uſe or divert the ſame, to
'the Prejudice of any of his loyal People in the Pro-
'priety of their Goods, or Liberty of their Perſons :
'And in Caſe, for the Security of his Majesty's Royal
'Perſon, the common Safety of his People, or the
'peaceable Government of this Kingdom, his Ma-
'jesty ſhall find juſt Cauſe for Reaſon of State to im-
'prison or reſtrain any Man's Perſon, his Majesty
'would graciously declare, That within a convenient
'Time he ſhall, and will expreſs the Cauſe of the
'Commitment or Reſtraint, either general or ſpecial ;
'and upon a Cauſe ſo expreſſed, will leave him im-
'mediately to be tried according to the common Juſ-
'tice of the Kingdom'.

But the *Commons* fell not into this Snare, plainly *Reſected by*
perceiving it was only an Artifice to elude the *Peti-* *the Com-*
tion of Right, which would in a great Meaſure become *mons.*
needleſs, after theſe Declarations. The Truth is,
there was a great deal of Difference, as we ſhall ſee
preſently, between theſe Declarations, and what was
required in the *Petiſion*. The Declarations were all
expreſſed in general Terms, which might give the
King room to cavil upon the Performance of each
Article, as he had been ſeen to do in the Buſineſs of
Loans, and the Imprisonment of thoſe that reſuſed to
comply. The King therein did not pretend to act
contrary to the Laws ; he rather thought himſelf au-
thoriſed by the Law, and the Judges of the Realm
had countenanced his Pretenſions. But the *Petiſion of*
Right was more full and particular, and left but little
room for Cavils. On the other Hand, the Difference

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was not small, between the direct and parliamentary Reply which the *Commons* required, and the bare and general Declarations which were not capable of contenting the People. So the *Commons* entirely rejected the Lord's Proposition.

*The King
sends for
both Houses
to
White-
hall.*

The King not having been able to succeed in his Design, by means of the *Upper-House*, tried to satisfy the *Commons*, by making them, of his own accord, the same Offers the Lords had seemed only to desire of him. To that Purpose, having sent for both *Houses* to *Whitehall*, the Lord-Keeper, in his Presence, spoke to them in the manner following :

‘ *My LORDS, and ye the Knights, Citi-
zens, and Burgeffes of the House of
Commons.*

*The Lord-
Keeper's
Speech to
both Houses.
Rush.
Vol. I.
P. 549.*

‘ **Y**E cannot but remember the great and important Affairs, concerning the Safety both of State and Religion, declared first from his Majesty's own Mouth, to be the Causes of the assembling of this Parliament; the Sense whereof, as it doth daily increase with his Majesty, so it ought to do, and his Majesty doubts not but it doth so with you, since the Danger increaseth every Day, both by Effluxion of Time, and Preparations of the Enemy.

‘ Yet his Majesty doth well weigh, that this Expence of Time hath been occasioned by the Debate which hath arisen in both *Houses*, touching the Liberty of the Subject; in which, as his Majesty takes in good part the Purpose and Intent of the Houses, so clearly and frequently professed, that they would not diminish or blemish his just Prerogative, so he presumes that ye will all confess it a point of extraordinary Grace and Justice in him, to suffer it to rest so long in Dispute without Interruption : But now his Majesty, considering the
‘ length

length of Time which it hath taken, and fearing nothing so much as any future loss of that, whereof every Hour and Minute is so precious ; and foreseeing that the ordinary way of Debate, though never so carefully husbanded, in Regard of the Form of both Houses, necessarily takes more Time than the Affairs of *Christendom* can permit ; his Majesty, out of great Princely Care, hath thought of this Expedient to shorten the Business, by declaring the Clearness of his own Heart and Intention : And therefore hath commanded me to let you know, *That he boldeth the Statute of Magna-Charter, and the other six Statutes insisted upon for the Subject's Liberty, to be all in force, and assures you, that he will maintain all his Subjects in the just Freedom of their Persons, and Safety of their Estates ; and that he will govern according to the Laws and Statutes of this Realm ; and that ye shall find as much Security in his Majesty's Royal Word and Promise, as in the Strength of any Law ye can make ; so that hereafter ye shall never have Cause to complain.* The Conclusion is, That his Majesty prayeth God, who hath hitherto blessed this Kingdom, and put into his Heart to come to you this Day, to make the Success thereof happy both to King and People : And therefore he desires that no doubt or distrust may possess any Man, but that ye will all proceed unanimously to the Business'.

The *Commons* avoided this Snare, like the former, and firmly stuck to the *Petition of Right*. A few Days after, Secretary *Coke* brings them a fresh Message from the King, to know whether the *House* will rest on his *Royal Word* or no, declared to them by the Lord-Keeper ; which if they do, he assures them, it shall be Royally performed.

This Message occasioned great Debates, because *Coke* and the rest of the Court-Party uted their utmost Endeavours to persuade the *House* to what the King proposed, that is, to lay aside the *Petition of Right*,

*The King's
Message to
the Com-
mons.*

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Right, and rest upon his Majesty's Promise. Sir Thomas Wentworth concluded the Debate, saying, *That never House of Parliament trusted more in the Goodness of their King, for their own Private, than the present; but we are ambitious that his Majesty's Goodness may remain to Posterity, and we are accountable for a publick Trust: And therefore seeing there hath been a publick Violation of the Laws by his Ministers, nothing will satisfy him but a publick Amends; and our desires to vindicate the Subjects Right by Bill, are no more than is laid down in former Laws, with some modest Provision for Instruction, Performance, and Execution.* This so well agreed with the Sense of the House, that they made it the Subject of a Message to be delivered by the Speaker to his Majesty.

*Another
Message
from the
King.
Rush.
Vol. I.
P. 552.*

Amidst those Deliberations, another Message was delivered from his Majesty by Secretary Coke to this Effect: ' That howsoever we proceed in this Business we have in Hand, which his Majesty will not doubt, but to be according to our constant Profession, and so as he may have cause to give us Thanks; yet his Resolution is, that both his Royal Care, and hearty and tender Affection towards all his loving Subjects, shall appear to the whole Kingdom, and all the World, that he will govern us according to the Laws and Customs of this Realm; that he will maintain us in the Liberties of our Persons and Properties of our Goods, so as we may enjoy as much Happiness as our Forefathers in their best Times; and that he will rectify what hath been or may be found amiss amongst us, so that hereafter there may be no just Cause to complain. Wherein as his Majesty will rank himself amongst the best of Kings, and shew he hath no Intention to invade or impeach our lawful Liberties, or Rights; so he will have us to match ourselves with the best Subjects, not by incroaching upon that Sovereignty or Prerogative, which God hath put into his Hands for our Good, but by containing
' our

‘ our selves within the Bounds and Laws of our Fore-
 ‘ fathers, without restraining them, or enlarging them
 ‘ by new Explanations, Interpretations, Expositions
 ‘ or Additions in any sort, which, he telleth us, he
 ‘ will not give Way unto.

‘ That the Weight of the Affairs of the Kingdom
 ‘ and Christendom do press him more and more, and
 ‘ that the Time is now grown to that Point of Matu-
 ‘ rity, that it cannot endure long Debate or Delay;
 ‘ so as this Session of Parliament must continue no
 ‘ longer than *Tuesday* come Sevensnight at the furthest :
 ‘ In which Time his Majesty, for his part, will be
 ‘ ready to perform what he promised ; and if the
 ‘ House be not as ready to do what is fit for them-
 ‘ selves, it shall be their own Faults.

‘ And upon Assurance of our good Dispatch and
 ‘ Correspondence, his Majesty declareth, That his
 ‘ Royal Intention is to have another Session of Par-
 ‘ liament at *Michaelmas* next, for the perfecting of
 ‘ such Things as cannot now be done’.

“ All this was not able to divert the *Commons* from The Com-
 their purpose, of turning the *Petition of Right* into men stand
 an Act of Parliament. The Threat of putting an to their
 End to the Session frightened them not, the King ha- Resolution
 ving gone too far to draw back. The only Point of present-
 was to know whether he would be pleased to grant ing the Pe-
 by *Bill* what he was willing to grant any other Way; tion of
 and he could not break with the Parliament on that Right. |
 account, without forfeiting entirely the Love of the
 People, and without losing the Five Subsidies. So
 the *Commons* would not let slip this Opportunity of
 firmly establishing the Rights of the Subjects. Here
 follows what the *Speaker* said to the King in the Name
 of the *Commons*, having first thanked him for his
 gracious Assurance, that he would govern according
 to the Laws, and told him, that the *Commons* greatest
 Confidence was in his Goodness.

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*The Speaker's Speech
 to the
 King.
 Ruth.
 Vol. I.
 P. 555.*

‘ ——— True it is, they cannot but remember the publick Trust, for which they are accountable to present and future Times; and their Duties are, That your Majesty's Goodness might, in Fruit and Memory, be the Blessing and Joy of Posterity.

‘ They say also, That of late there hath been publick Violation of the Laws, and the Subjects Liberties, by some of your Majesty's Ministers; and thence conceive, that no less than a publick Remedy will raise the dejected Hearts of your loving Subjects to a chearful Supply of your Majesty, or make them receive content in the Proceedings of this House.

‘ From those Considerations, they most humbly beg your Majesty's Leave to lay hold of that gracious Offer of yours, which gave them Assurance, that if they thought fit to secure themselves in their Rights and Liberties, by way of Bill or otherwise, so it might be provided with due Respect to God's Honour and the publick Good, you would be graciously pleased to give Way unto it. Far from their Intentions it is, any way to inroach upon your Sovereignty or Prerogative; nor have they the least Thought of stretching or enlarging the former Laws in any sort, by any new Interpretations or Additions; the Bounds of their Desires extend no further, than to some necessary Explanation of that which is truly comprehended within the just Sense and Meaning of those Laws, with some moderate Provision for Execution and Performance, as in Times past upon like Occasion hath been used.

‘ The way how to accomplish these their humble Desires, is now in serious Consideration with them, wherein they humbly assure your Majesty, they will neither lose Time, nor seek any Thing of your Majesty, but what they hope may be fit for dutiful and loyal Subjects to ask, and for a gracious and just King to grant’.

His

His Majesty's Answer was delivered by the Lord-Keeper as follows :

Mr. Speaker, and you Gentlemen of the House of Commons,

HIS Majesty hath commanded me to tell you, that he expected an Answer by your Actions, and not Delay by your Discourse: Ye acknowledge this Trust and Confidence in your Proceedings, but his Majesty sees not how you requite him by your Confidence of his Word and Actions: For what need Explanations, if ye doubted not the Performance of the true Meaning? For Explanations will hazard an Incroachment upon his Prerogative. And it may well be said, What need a new Law to confirm an old, if you repose Confidence in the Declaration his Majesty made by me to both Houses? And our selves acknowledge, that your greatest Trust and Confidence must be in his Majesty's Grace and Goodness, without which nothing ye can frame will be of Safety, or avail to you: Yet to shew clearly the Sincerity of his Majesty's Intentions, he is content that a Bill be drawn for a Confirmation of *Magna Charta*, and the other Six Statutes insisted upon for the Subjects Liberties, if ye shall chuse that as the best Way, but so as it may be without Additions, Paraphrases, or Explanations.

Thus if you please you may be secured from your needless Fears, and this Parliament may have a happy wished-for End: Whereas by the contrary, if you seek to tie your King by new and indeed impossible Bonds, you must be accountable to God and the Country for the ill Success of this Meeting. His Majesty hath given his Royal Word, that ye shall have no Cause to complain hereafter: Less than which hath been enough to reconcile great
 V. L. X. L Princes

1028. * Princes, and therefore long much more to prevail between a King and his Subjects.

* Lastly, I am commanded to tell you that his Majesty's Pleasure is, That without further Replies or Messages, or other unnecessary Delays, ye do what ye mean to do speedily, remembering the last Message that Secretary Coke brought you in Point of Time; his Majesty always intending to perform his Promise to his Power. Therefore he acquaints the House; That he had rather follow others than begin to enter into this Business: His of Time hath been the greatest Complaint; the Matter fallen now into Consideration, is what way to take, whether to rely on his Majesty's Word or on a Bill: If we will consider the Advantage we have in taking his Majesty's Word, it will be of the largest Extent, and we shall chuse That that hath most Assurance; an Act of Parliament is by the Consent of the King and Parliament, but this Assurance by Word, is that he will govern us by the Laws; the King promises that, and also that they shall be so executed, that we shall enjoy as much Freedom as ever: This contains many Laws, and a Grant of all good Laws; nay, it contains a Confirmation of those very Laws, an Assurance which binds the King further than the Law can: First, it binds his Affection, which is the greatest Bond between King and Subject, and that binds his Judgment also, nay, his Honour, and that not at home but abroad; the royal Word of a King is the Ground of all Treaty; nay, it binds his Conscience: This Confirmation between both Houses is in Nature of a Vow; for my part, I think it is the greatest Advantage to rely on his Majesty's Word. He further added, this Debate was fitter

* Here ends (in Rushdorth) his Majesty's Answer delivered by the Lord-Keeper. What follows is another Message from the King brought by Mr. Secretary Coke, Tuesday, May 6. to press the House to rely on the King's Word, notwithstanding the Intimation of his Majesty's good Pleasure for a Bill. *Rush.* Vol. I. p. 557.

to be done before the House, and not before the Committee; and that it was a new Course to go to a Committee of the whole House".

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This Answer is a clear Evidence how much the King dreaded the *Petition of Right* which was preparing. He took it for granted, and not without reason, that it would contain not only the Substance of *Magna Charta* and the *Six Statutes*, but also Explanations which would prevent all Cavils concerning the true Intent of these Laws; and that was the Thing he would have avoided approving, for fear of tying up his Hands. The *Great Charter* and the *Six Statutes* had been long in force; but that had not hindered him from exacting Money from his Subjects by way of Loan, nor from imprisoning such as refused to comply. He was so far from owning, he had in so doing acted contrary to the Laws, that he had found Means to get his Proceedings approved by the Judges of the Realm. In offering therefore to confirm *Magna Charta* by a Bill, he left Things just as they were, and the People would have reaped no Benefit by the new Bill. This is what the Lord-Keeper could not forbear intimating, when he said, he did not see any Occasion for a new Law to confirm an old. By that he would have hinted, that the old Law was not infringed, and therefore the King was very willing to confirm it, provided there were no Additions, Explanations and Interpretations. But nothing was more apt to let the Commons see the Necessity of these Explanations, than the King's Endeavours to avoid them. The extreme Desire he showed that they should rest on his Word, was a very strong Reason for securing the Liberties of the Subject, by something more binding. It is true indeed, the Words of Princes are capable of reconciling them together when at Variance; but this supposes a mutual Confidence, without which the bare Word cannot beget a perfect Reconciliation. Now the Point was to know whether the King's Word might safely be taken, which the

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Commons did not believe, though they durst not speak their Mind freely. Besides, their having been told that the King's Promise, to govern according to Law, was a greater Security than the Laws themselves, was a plain Indication enough, that the King did not think it impracticable, to evade the Law. Hence therefore they drew a fresh Argument for binding the King by a more exprefs and positive Law than those enacted hitherto.

We may further observe from this Answer, that it is pretty strange the Lord-Keeper, in the last Sentence of his Speech, should teach the *Commons* how this Matter ought to be debated in the *House*, insinuating, that the going to a *Committee* of the whole *House* was a new Course. For the better understanding the Design of this Insinuation, the Reader must know, that in full *House* a Member cannot speak but once upon the same Point, and having asserted his Opinion, he is not allowed to answer or reply. But when the *House* is turned into a *Committee*, there is greater Freedom. Every one may argue, answer, reply, as he thinks fit. By this means the Points in Hand are fully cleared, insomuch that it is easy for any one to frame his Opinion upon the Arguments, Answers and Replies he has heard. It seems therefore by what the Lord-Keeper insinuated to the *Commons*, that the King was apprehensive of the Consequences of this way of debating. But they did not think proper to receive his Instructions, or to alter their usual Method. The *House* therefore was turned into a *Committee*, to take into Consideration all that could be said for or against what the King desired. The general Sense of the *House* was expressed as follows by one of the Members, with whom the Majority agreed.

Sir Edward
Coke's
Speech.

Rush. Vol.
I. p. 558.

Was it ever known (said he) that general Words were a sufficient Satisfaction to particular Grievances? Was ever a verbal Declaration of the King, Verbum Regni? When Grievances be, the Parliament is to redress them. Did ever Parliament rely on Messages?

They put up Petitions of their Grievances, and the King
 ever answered them: The King's Answer is very gra-
 cious; but what is the Law of the Realm? that is
 the Question. I put no Dissidence in his Majesty, the
 King must speak by a Record, and in Particulars, and
 not in General. Did you ever know the King's Messag-
 ers bring a Bill of Subsidies? All succeeding Kings will
 say, we must trust me as well as ye did my Predecessors,
 and trust my Messengers; but Messages of Love never came
 into a Parliament. Let us put up a Petition of Rights.
 Not that I distrust the King, but that I cannot take his
 Word but in a Parliamentary Way.

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As the Commons had resolved that Supply and The Com-
 Grievances should go Hand in Hand, the Petition of
 Rights was no sooner ready, but they made one Step
 farther in the Business of the Subsidies, ordering that
 the two first should be paid the 10th of July, one
 more the 12th of October, another the 20th of De-
 cember; and the last the 1st of March. This was done
 to take from the King all Pretence of complaining
 that the Business of Supply was neglected; but this
 did not satisfy him. He wanted to have the Subsidy-
 Bill drawn up and passed, before the Petition of Rights
 was presented to him, which the Commons were fully
 resolved not to do, being persuaded, that as soon
 as the Subsidy-Bill should be passed, the Parliament
 would be prorogued or dissolved. So, that same Day
 they sent the Petition of Rights to the Lords for their
 Concurrence. But before it was obtained, the Com-
 mons saw themselves obliged to stand two fresh At-
 tacks more, one from the King, the other from the
 House of Lords, where the Court-Party was very strong.
 The Lords being employed in examining the Pe-
 tition of Rights, desired to have a Conference with the
 Commons, where the Lord-Keeper said, he had moved
 to the House the making some Amendments in the
 Petition, to render it less harsh and more agreeable
 to his Majesty, to the end what was desired might the
 more readily be obtained. That whilst the Lords

were debating upon the Point of Commitments, they received a Letter from his Majesty, which they desired to communicate to the Commons; and it was read to them accordingly.

To the Right Trusty and Right Well-beloved, the Lords Spiritual and Temporal of the Higher-House of Parliament.

Carolus Rex,

The King's Letter to the Lords communicated to the Commons. Rushworth, Vol. I. p. 560.

WE being desirous of nothing more than the Advancement of the Peace and Prosperity of our People, have given Leave to free Debate upon the highest Points of our Prerogative Royal, which in the Time of our Predecessors, Kings and Queens of this Realm, were ever restrained as Matters that they would not have discussed; and in other things we have been willing so far to descend to the Desires of our good Subjects, as might fully satisfy all moderate Minds, and free them from all just Fears and Jealousies, which those Messages we have hitherto sent into the Commons House will well demonstrate unto the World; yet we find it still insisted upon, that in no case whatsoever, should it never so nearly concern Matters of State or Government, we, at our Privy-Council, have any Power to commit any Man without the Cause shewed; whereas it often happens, that should the Cause be shewed, the Service itself would thereby be destroyed and defeated; and the Cause alledged must be such as may be determined by our Judges of our Courts in Westminster, in a legal and ordinary way of Justice; whereas the Causes may be such, as those Judges have not Capacity of Judicature, nor Rules of Law to direct and guide their Judgment in Cases of that transcendent Nature; which

• which happening so often, the very incroaching on
 • that constant Rule of Government, for so many
 • Ages, within this Kingdom practised, would soon
 • dissolve the very Foundation and Frame of our
 • Monarchy. Wherefore, as to our Commons, we
 • made fair Propositions, which might equally pre-
 • serve the just Liberty of the Subject: So, my
 • Lords, we have thought good to let you know,
 • that without the Overthrow of Sovereignty, we
 • cannot suffer this Power to be impeached; not-
 • withstanding, to clear our Conscience and just In-
 • tentions, this we publish, That it is not in our
 • Heart, nor will we ever extend our Royal Power,
 • lent unto us from God, beyond the just Rule of
 • Moderation, in any Thing which shall be contrary
 • to our Laws and Customs, wherein the Safety of
 • our People shall be our only Aim. And we do
 • hereby declare our Royal Pleasure and Resolution
 • to be, which God willing, we shall ever constant-
 • ly continue and maintain, That neither we nor our
 • Privy-Council shall or will, at any time hereafter,
 • commit or command to Prison, or otherwise restrain
 • the Person of any for not lending Money to us, nor
 • for any just Cause, which in our Conscience doth not
 • concern the publick Good and Safety of us and our
 • People, we will not be drawn to pretend any
 • Cause, which our Judgment and Conscience is
 • not satisfied with; base Thoughts, we hope, no
 • Man can imagine will fall into our Royal Breast;
 • and that in all Cases of this Nature, which shall
 • hereafter happen, we shall, upon the humble Pe-
 • tition of the Party, or Address of our Judges
 • unto us, readily and really express the true Cause
 • of their Commitment or Restraint, so soon as
 • with Convenience and Safety the same is fit to be
 • disclosed and expressed; and that in all Causes
 • criminal, of ordinary Jurisdiction, our Judges
 • shall proceed to the Deliverance or Bailment of
 • the Prisoner, according to the known and ordinary
 • Rules of the Laws of this Land, and according

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to the Statutes of *Magna Charta*, and those other Six Statutes insisted upon, which we do take Knowledge stand in full Force, and which we intend not to abrogate and weaken against the true Intention thereof. This we have thought fit to signify, the rather to shorten any long Debate upon this great Question, the Season of the Year being so far advanced, and our great Occasions of State not lending many more Days for longer Continuance of this Session of Parliament.

Given under our Signet at our Palace at Westminster, the 20 Maij, the Fourth Year of our Reign.

The Commons remain unshaken.

The Commons took no manner of Notice of this Letter, or rather they dissembled the Vexation the King's Artifices gave them, who by obscure and doubtful Expressions, and by sundry Restrictions, was preparing Means to elude his Promises, at the very time he would have them be received as solemn, authentick, and satisfactory. This may be plainly enough seen, if the Terms of this Letter be carefully considered as well as the King's Intent in writing it: Which was to evade the *Petition of Right*, and to manage it so, that he might be at Liberty to use his Prerogative as he had done. hitherto.

The Lords propound the adding a Clause to the Petition of Right.

The second Attack the Commons were to stand, came from the Lords. They moved [at a Conference] the adding to the *Petition of Right* a Clause which would have rendered it of no Effect, at least according to the Court's Intention, by whom very probably the House of Lords was guided in this Matter. The additional Clause ran thus:

The Clause. Rush. Vol. I. p. 561.

We present this our humble Petition to your Majesty, with the Care not only of preserving our own Liberties, but with due Regard to leave entire that Sovereign Power whereby your Majesty is trusted for the Protection, Safety, and Happiness of the People.

This

This Addition was examined and debated with a great deal of Exactness in the House of Commons, and the general Opinion was, that it ought to be rejected for Three Reasons especially. The First, because of the Ambiguity of the Words *Sovereign Power*, which the Parliaments had never used in speaking of the King's Prerogatives. The Second, because this Addition was in the Nature of a Saving of the King's Sovereignty, which rendered the *Petition* of no Force. It was alledged, That in the Reign of Edward I, the Parliament having presented the like *Petition* to the King, he would have added these Words, *saving the King's Right and Sovereignty*, but the Parliament would not consent to it, because such Sort of *Savings* render useless whatever they are annexed to. It was said likewise, that for the same Reason the King's of old would never suffer the Clergy to insert in any of their Acts, *saving the Honour of God and the Church*. The Third Reason was, that if this Addition was general, and had no Reference to the *Petition*, there was no Need of admitting it. But if, on the contrary, it did refer to the *Petition*, it was evident it rendered the *Petition* of no Effect.

This Clause being thus rejected by the Commons, the Lords durst not throw out the *Petition*, on account of this Addition, which in Truth, was not absolutely necessary. So being satisfied with giving the King this Testimony of their Affection for his Service, they insisted no longer upon the additional Clause. Then the two Houses resolved to present the *Petition* to the King, and to pray his Majesty to give his Answer in full Parliament, that it might be enrolled and serve hereafter for Rule to the Courts of Justice, as an Act of Parliament. The 2d of June the King came to the Parliament to give the Royal Assent to the *Petition of Right*, and spoke thus to both Houses.

GENTLEMEN,

*The King's
Speech be-
fore the
reading of
the Peti-
tion.*

I Am come hither to perform my Duty. I think no Man can think it long, since I have not tar-
ken so many Days in answering the Petition, as ye
spent Weeks in framing it: And I am come hi-
ther to shew you, that as well in formal Things as
in essential, I desire to give you as much Content
as in me lies.

The Lord-Keeper added something farther; but
as there is nothing very material in his Speech, I do
not think it necessary to insert it here. After he had
done speaking, the *Petition* was read aloud, being
expressed in these Words:

To the KING's most excellent Majesty.

Humbly shew unto our Sovereign Lord the
King, the Lord's Spiritual and Temporal,
and Commons in Parliament assembled, That
whereas it is declared and enacted by a Statute
made in the time of the Reign of King Edward the
First, commonly called *Statutum de Tallagio non
concedendo*, that no Tallage or Aid shall be laid or
levied, by the King or his Heirs, in this Realm,
without the Good-will and Assent of the Arch-
bishops, Bishops, Earls, Barons, Knights, Bur-
gessees, and other the Freemen of the Commonalty
of this Realm: And by Authority of Parliament
holden in the Five and twentieth Year of the Reign
of King Edward the Third, it is declared and en-
acted, That from thenceforth no Person shall be
compelled to make any Loans to the King against
his Will, because such Loans were against Reason,
and the Franchise of the Land; and by other Laws
of this Realm it is provided, That none should be
charged by any Charge or Imposition, called a
Benevolence,

• *Benevolence*, nor by such like Charge, by which
• the Statutes before-mentioned, and other the good
• Laws and Statutes of this Realm, your Subjects
• have inherited this Freedom, That they should
• not be compelled to contribute to any Tax, Tati-
• lage, Aid, or other like Charge, not set by com-
• mon Consent in Parliament.

• Yet nevertheless of late divers Commissions, di-
• rected to sundry Commissioners in several Coun-
• ties, with Instructions, have issued, by means
• whereof your People have been in divers Places
• assembled, and required to lend certain Sums of
• Money unto your Majesty, and many of them up-
• on their Refusal so to do, have had an Oath ad-
• ministrated unto them, not warrantable by the Laws
• or Statutes of this Realm, and have been constrain-
• ed to become bound to make Appearance, and
• give Attendance before your Privy-Council, and in
• other Places, and others of them have been there-
• fore imprisoned, confined, and sundry other ways
• molested and disquieted: And divers other
• Charges have been laid and levied upon your Peo-
• ple in several Counties, by Lords Lieutenants,
• Deputy-Lieutenants, Commissioners for Must-
• ters, Justices of Peace, and others, by Command and
• Direction from your Majesty, or your Privy-
• Council, against the Laws and free Customs of
• this Realm.

• And where also by the Statute called, *The great 9 Hen. 3.*
• *Charter of the Liberties of England*, it is declared ^{29.}
• and enacted, That no Freeman may be taken or
• imprisoned, or be disseised of his Freeholds or Li-
• berties, or his free Customs, or be outlawed or
• exiled, or in any manner destroyed, but by the
• lawful Judgment of his Peers, or by the Law of
• the Land.

• And in the Eight and twentieth Year of the ^{28 Edw. 3.}
• Reign of King Edward the Third, it was declared ^{3.}
• and enacted by Authority of Parliament, That no
• Man of what Estate or Condition that he be,
• should

1628. ' should be put out of his Lands or Tenements, nor
' taken, nor imprisoned, nor disherited, nor put to
' Death, without being brought to answer by due
' Process of Law.

37 *Edw.* 3. ' Nevertheless against the Tenour of the said Sta-
18 ' tutes, and other the good Laws and Statutes of
38 *Edw.* 3. ' your Realm, to that End provided, divers of your
9. ' Subjects have of late been imprisoned, without
42 *Edw.* 3. ' any Cause shewed; and when for their Deliverance
3 ' they were brought before your Justices, by your
17 *Ric.* 2. ' Majesty's Writs of *Habeas Corpus*, there to under-
6. ' go and receive as the Court should order, and
' their Keepers commanded to certify the Causes of
' their Detainer; no Cause was certified, but that
' they were detained by your Majesty's special Com-
' mand, signified by the Lords of your Privy Coun-
' cil, and yet were returned back to several Prisons
' without being charged with any Thing to which
' they might make Answer according to the Law.

' And whereas of late great Companies of Sol-
' diers and Mariners have been dispersed into divers
' Counties of the Realm, and the Inhabitants a-
' gainst their Wills have been compelled to receive
' them into their Houses, and there to suffer them
' to sojourn, against the Laws and Customs of this
' Realm, and to the great Grievance and Vexation
' of the People.

' And whereas also by Authority of Parliament,
2; *Edw.* 3. ' in the 25th Year of the Reign of King Edward
9. ' III, it is declared and enacted, That no Man shall
9 *Hen.* 3. ' be fore-judged of Life or Limb, against the Form
29. ' of the great Charter, and the Law of the Land:
25 *Edw.* 3. ' And by the said great Charter, and other the Laws
4 ' and Statutes of this your Realm, no Man ought to
28 *Edw.* 3. ' be adjudged to Death, but by the Laws established
3. ' in this your Realm, either by the Customs of the
' same Realm, or by Acts of Parliament: And
' whereas no Offender of what kind soever is ex-
' empted from the Proceedings to be used, and Pu-
' nishments to be inflicted by the Laws and Statutes
' of

of this your Realm; Nevertheless of late divers Commissions under your Majesty's Great Seal have issued forth, by which certain Persons have been assigned and appointed Commissioners, with Power and Authority to proceed within the Land, according to the Justice of Martial Law against such Soldiers and Mariners, or other dissolute Persons, joining with them, as should commit any Murder, Robbery, Felony, Mutiny, or other Outrage or Misdemeanor whatsoever; and by such summary Course and Order as is agreeable to Martial Law, and is used in Armies in time of War, to proceed to the Trial and Condemnation of such Offenders, and them to cause to be executed and put to Death according to the Law Martial.

By Pretext whereof, some of your Majesty's Subjects have been by some of the said Commissioners put to Death, when and where, if by the Laws and Statutes of the Land they had deserved Death, by the same Laws and Statutes also they might, and by no other ought to have been adjudged and executed.

And also sundry grievous Offenders by Colour thereof, claiming an Exemption, have escaped the Punishments due to them by the Laws and Statutes of this your Realm, by reason that divers of your Officers and Ministers of Justice have unjustly refused, or forborn to proceed against such Offenders, according to the same Laws and Statutes, upon Pretence that the said Offenders were punishable only by Martial Law, and by Authority of such Commissions as aforesaid; which Commissions, and all others of like Nature, are wholly and directly contrary to the said Laws and Statutes of this your Realm.

They do therefore humbly pray you most excellent Majesty, That no Man hereafter be compelled to make or yield any Gift, Loan, Benevolence, Tax, or such like Charge, without common Consent by Act of Parliament; and that none
The Petition.
be

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‘ be called to make Answer, or take such Oath or
 ‘ to give Attendance, or be confined, or otherwise
 ‘ molested or disquieted concerning the same, or for
 ‘ Refusal thereof: And that no Freeman in any such
 ‘ manner as is before-mentioned, be imprisoned or
 ‘ detained: And that your Majesty will be pleased
 ‘ to remove the said Soldiers and Mariners, and
 ‘ that your People may not be so burdened in time
 ‘ to come: And that the foresaid Commissions for
 ‘ proceeding by Martial Law, may be revoked and
 ‘ annulled; and that hereafter no Commissions of
 ‘ like Nature may issue forth to any Person or Per-
 ‘ sons whatsoever, to be executed as aforesaid, lest
 ‘ by Colour of them, any of your Majesty’s Sub-
 ‘ jects be destroyed or put to Death, contrary to
 ‘ the Laws and Franchise of the Land.

‘ All which they most humbly pray of your most
 ‘ excellent Majesty, as their Rights and Liberties,
 ‘ according to the Laws and Statutes of this Realm:
 ‘ And that your Majesty would also vouchsafe to de-
 ‘ clare, That the Awards, Doings, and Proceedings,
 ‘ to the Prejudice of your People in any of the
 ‘ Premises, shall not be drawn hereafter into Con-
 ‘ sequence or Example: And that your Majesty
 ‘ would be also graciously pleased for the further
 ‘ Comfort and Safety of your People, to declare
 ‘ your Royal Will and Pleasure, That in the Things
 ‘ aforesaid, all your Officers and Ministers shall
 ‘ serve you, according to the Laws and Statutes of
 ‘ this Realm, as they tender the Honour of your
 ‘ Majesty, and the Prosperity of this Kingdom.

We have seen above that the King had used all pos-
 sible Endeavours to hinder this *Petition* from being
 presented to him, and to satisfy the *Commons* with ge-
 neral Promises which properly bound him to nothing,
 and which did not destroy his Scheme of Government.
 So, though he made as if he were come to the Par-
 liament on purpose to pass the *Petition of Right*, and
 to give a satisfactory Answer to it, he pursued how-
 ever

ever his Plan, and showed by his Answer, how much he dreaded to tie himself up. Here follows his Answer, where one easily perceives the same general Promises, and the same Restrictions as in what he had offered already.

1628.

The King's ANSWER to the Petition of Right.

THE King willeth that Right be done according to the Laws and Customs of the Realm; and that the Statutes be put in due Execution, that his Subjects may have no Cause to complain of any Wrong or Oppressions contrary to their just Rights and Liberties, to the Preservation whereof, he holds himself in Conscience as well obliged, as of his Prerogative.

The King's Answer. Rush. Vol. I. p. 590.

It would be needless to make here any Remarks upon this Answer, since the King's Intention appears therein so very plainly. It suffices only to observe, that the King had endeavoured to put off the Parliament with general Promises, and that the Commons not thinking them sufficient, had insisted upon the *Petition of Right*, where several particular Cases were specified. Now the King, instead of giving the Parliament the Satisfaction they desired, kept in his Answer to the general Promises, without touching upon any of the particular Cases specified in this *Petition*.

Remark on this Answer.

The Commons not being at all satisfied with the King's Answer, made no haste to finish the Business of Supply. On the contrary, they desired a Conference with the Lords, where the Point of Commitments was thoroughly handled. The Matter in question

The Commons are not satisfied with it.

They resume the Grievances.

The King's Answer being read in the House of Commons, and seeming too scanty, Sir John Eliot rose up, and in a long Speech set forth a full and lively Representation of all Grievances; which done, Sir Edward Coke moved, that an humble Remonstrance be presented

1628. received the same Order. On the Morrow the Speaker brings the following Message from the King.

Another
Message
from the
King to
the Com-
mons, sent
by the
Speaker
with
the
Bill.

‘Whereas his Majesty understanding, that ye did conceive his last Message to restrain you in your just Privileges, to complain of any of his Ministers; these are to declare his Intentions, That he had no meaning of barring you from what hath been your Right, but only to avoid all Scandals on his Council and Actions past, and that his Ministers might not be, nor himself, under their Names, taxed for their Counsel unto his Majesty, and that no such Particulars should be taken in Hand, as would ask a longer Time of Consideration than what he hath prefixed, and still resolves to hold, that so for this Time all Christendom might take notice of a sweet Parting between him and his People: Which if it fall out, his Majesty will not be long from another Meeting, when such (if there be any) at their Leisure and Convenience may be considered.’

Remark
on this
Message.

We may have observed hitherto in King Charles's whole Conduct, that he was so firm in his Principles concerning Government, that he could not think of yielding any Thing, or if he seemed to give any Thing with one Hand, he immediately took it away with the other, by some Restriction which rendered the Grant of no Effect. This may be seen in his Answer to the *Petition of Right*, but still more particularly in this last Message to the *Commons*. He would not (as he said) bar them of the Privilege to complain of his Ministers, but he would not have them cast any Blame on their Counsels. That is, properly speaking, he would not have them attacked, or at most he would only suffer them to be prosecuted for such private Offences as they might be guilty of, like all the Rest of the Subjects, but not for State-Affairs, as Ministers and Counsellors. The *Commons* being no more satisfied with this Message than the former, the House was again turned into a *Committee*, and considered

considered of some more Heads to be inserted into the Remonstrance, particularly the King's Design to bring into the Nation foreign Forces. This Complaint was grounded upon a Discovery the House had made of a *Privy-Seal*, expressed in these Words *.

ON CHARLES by the Grace of God, &c.

To the Treasurer, and Under-Treasurer for our Exchequer for the Time being, Greeting: We do hereby will and command you, out of our Treasury, remaining in the Receipt of our said Exchequer, forthwith to pay, or cause to be paid unto Philip Burlemack of London, Merchant, the Sum of Thirty Thousand Pounds, to be paid by him over by Bill of Exchange into the Low-Countries, and Germany, unto our Trusty and Well-beloved Sir William Balfoure Knight, and John Dolbier Esq; or either of them, for levying and providing certain Numbers of Horses, with Arms for Horse and Foot, to be brought over into this Kingdom for our Service, viz, &c.

The King's Order to bring foreign Forces into the Kingdom
Ruth. I.
p. 612.

At the same time the Commons sent a Message to the Lords, to desire they would join in an humble Request to the King, that a clear and satisfactory Answer be given by his Majesty in full Parliament to the *Petition of Right*; to which the Lords did agree. The King knew then it was not possible for him to avoid giving such an Answer as the Parliament desired, and therefore he resolved at last to do it with a good Grace, otherwise he saw plainly the Business of Supply would be for ever delayed. So coming to the Parliament on the 7th of June, both Houses presented the following Petition to him:

* Burlemack was called into the House, and confessed, he received Thirty Thousand Pounds by *Privy-Seal* for the Buying of Horses, that One Thousand of them were levied, that those Horses and their Riders were to come over, and Arms provided for them in Holland: But that he heard a Countermand was gone to stay them. Ruth. I. p. 612.

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The Petition of both Houses.

MA Y it please your most excellent Majesty, the Lords Spiritual and Temporal, and Commons in Parliament assembled, taking into Consideration that the good Intelligence between your Majesty and your People doth much depend upon your Majesty's Answer unto their *Petition of Right* formerly presented; with unanimous Consent do now become most humble Suitors unto your Majesty, that you would be pleased to give a clear and satisfactory Answer thereunto in full Parliament.

To which the King replied: "The Answer I have already given you was made with so good Deliberation, and approved by the Judgements of so many wise Men, that I could not have imagined but it should have given you full Satisfaction: But to avoid all ambiguous Interpretations, and to shew you there is no doubleness in my Meaning, I am willing to pleasure you as well in Words as in Substance, read your *Petition*, and then you shall have an Answer that I am sure will please you."

Satisfactory Answer to the Petition. The King's Speech on that Occasion. Rush. Vol. I. p. 613.

Here the Petition was read, and this Answer was returned: Soit droit fait comme il est désiré. C. R.

Then said his Majesty, "This I am sure is full, yet no more than I granted you in my first Answer; for the Meaning of that was to confirm your Liberties, knowing according to your own Protestations, that ye neither mean nor can hurt my Prerogative. And I assure you my Maxim is, that the People's Liberties strengthen the King's Prerogative, and the King's Prerogative is to defend the People's Liberties."

"You see how ready I have shewed my self to satisfy your Demands, so that I have done my part; wherefore if this Parliament have not a happy Conclusion, the Sin is yours, I am free from it."

The *Commons* being satisfied upon this Point, began to proceed in good Earnest with the Bill of Subsidies, but in such a Manner however, that they made the Consideration of Grievances go Hand in Hand with it, well knowing, as soon as the Money-Bill was passed, the King would put an end to the Session. They itself therefore, in examining a Commission, whereby the King had authorized and required a certain Number of Lords and Gentlemen to consider of the best and speediest Means for raising Money upon the People by way of Imposition or otherwise *. This Commission had been granted after the Summons to the Parliament, but before the Meeting. In all Appearance, the King fearing he should be obliged to dissolve this Parliament for the same Reasons he had dissolved the former, was willing to make sure beforehand of Means to raise Money in case the Parliament refused to grant a Supply. Be this as it will, the *Commons*, after a Conference with the Lords, voted that the Commission should be inserted in the Remonstrance they were going to present to the King.

Then they entered upon the Examination of the Duke of *Buckingham's* Conduct, which was by no means favourable to the Duke. He was charged with being the Cause of all the Evils to the Kingdom, of the Losses at Sea, of the Decay of Trade, of the Distresses to the Armies, and of countenancing *Arminianism* and *Popery*. Upon this last Point it was observed, that the Duke's Mother was a *Papist*, and had a great Influence over her Son, who had himself an absolute Sway over the King, and that Dr. *Montague*, who was reckoned a zealous *Arminian*, made his

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The Com-
mission exa-
mined and
other Grievances.

Resolves of
the House
against
Buckingham,
Laud and
Neill.
Rush. I.

* The *Commons* sending for this Commission to the Lord-Keeper, he returned Answer, He received Warrant at the Council-Table for the Sealing thereof, and when it was sealed, he carried it back to the Council-Table. However it was sent and read. It was directed to all the Court-Lords and Bishops, and such Gentlemen as were thought well affected to the Ministry. The Reader may see it, *Rush. I.* p. 664.

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Court to him with great Diligence. In short, the House came to this Resolution, that the excessive Power of the Duke of *Buckingham* is the Cause of all the Evils and Dangers to the King and Kingdom, and that this be added to the Remonstrances, and [a few Days after] voted that Dr. *Nail Bishop of Winchester*, and Dr. *Land Bishop of Bath and Wells*, be named to be those about the King who are suspected to be *Arminians*. As this Remonstrance shows, in a clear and exact Manner, the Occasions of Complaint the Commons had against the Government, I think it necessary to insert it here at length.

Most Dread Sovereign,

The Commons Remonstrance to the King.
Rush.
Vol. I.
p. 619.

‘ **A**S with humble Thankfulness we your dutiful
‘ Commons now assembled in Parliament, do
‘ acknowledge the great Comfort which we have in
‘ your Majesty’s pious and gracious Disposition, so
‘ we think it a meet and most necessary Duty, being
‘ called by your Majesty, so consult and advise of
‘ the great and urgent Affairs of this Church and
‘ Commonwealth, finding them at this time in ap-
‘ parent Danger of Ruin and Destruction, faithfully
‘ and dutifully to inform your Majesty thereof, and
‘ with bleeding Hearts and bended Knees, to crave
‘ your speedy Redress therein, as to your own Wis-
‘ dom (unto which we most humbly submit our
‘ selves and our Desires) shall seem most meet and
‘ convenient. What the Multitude and Potency of
‘ your Majesty’s Enemies are abroad; what be their
‘ malevolent and ambitious Ends; and how vigilant
‘ and constantly industrious they are in pursuing the
‘ same, is well known to your Majesty; together
‘ with the Dangers threatened thereby to your sacred
‘ Person and your Kingdoms, and the Calamities
‘ which have already fallen, and do daily increase
‘ upon your Friends and Allies, of which we are
‘ well assured your Majesty is most sensible, and will
‘ accordingly in your great Wisdom, and with the
‘ gravest

gravest and most mature Council, according to the exigency of the Times and Occasions, provide to prevent and help the same.

To which End we most humbly intreat your Majesty first, and especially to cast your Eyes upon the miserable Condition of this your own Kingdom, of late so strangely weakened and dejected, that unless, through your Majesty's most gracious Wisdom, Goodness and Justice, it be speedily raised to a better Condition, it is in no little Danger to become a sudden Prey to the Enemies thereof; and of the most happy and flourishing, to be the most miserable and contemptible Nation in the World. In the Discoveries of which Dangers, Mischiefs, and Inconveniencies lying upon us, we do freely protest that it is far from our Thoughts to lay the least Aspersions upon your sacred Person, or the least Scandal upon your Government; for we do in all Sincerity of our Hearts, not only for our selves, but in the Name of all the Commons of the Realm (whom we represent) ascribe as much Duty, as a most loyal and affectionate People can do unto the best King, (for so you are, and so have been pleased abundantly to express your self this present Parliament by your Majesty's clear and satisfactory Answer to our Petition of Right: For which both our selves and our Posterity shall bless God for you, and ever preserve a thankful Memory of your great Goodness and Justice therein;) and we do verily believe, that all or most of these things which we shall now present unto your Majesty, are either unknown to you, or else by some of your Majesty's Ministers offered under such specious Pretences, as may hide their own ill Intentions, and ill Consequences of them from your Majesty: But we assure our selves, according to the good Example of your Majesty's Predecessors, nothing can make your Majesty (being a wise and judicious Prince, and above all things desirous of the Welfare of your People), more in love with Parlia-

ments than this, which is one of the principal Ends
 of calling them, that therein your Majesty may be
 truly informed of the State of all the several Parts
 of your Kingdom; and how your Officers and Mi-
 nisters do behave themselves in the Trust reposed
 in them by your Majesty; which is scarce able to
 be made known unto you but in Parliament; as was
 declared by your blessed Father, when he was pleased
 to put the Commons in Parliament assembled in mind;
*That it would be the greatest Unfaithfulness and Breach
 of Duty to his Majesty, and of the Trust committed to
 them by the Country that could be, if in setting forth
 the Grievances of the People, and the Condition of all
 the Parts of this Kingdom from whence they come,
 they did not deal clearly with him, without sparing any,
 how near and dear soever they were unto him; if they
 were hurtful and dangerous to the Commonwealth.*

“In Confidence therefore of your Majesty’s gra-
 cious Acceptation in a Matter of so high Impor-
 tance, and in faithful Discharge of our Duties, we
 do first of all most humbly beseech your Majesty
 to take notice, that howsoever we know your Ma-
 jesty, doth with your Soul abhor, that any such
 thing should be imagined or attempted: Yet there
 is a general Fear conceived in your People of secret
 Working and Combination to introduce into their
 Kingdom Innovation and Change of our Holy
 Religion, more precious unto us than our Lives,
 and whatever this World can afford. And our
 Fears and Jealousies herein are not merely con-
 jectural, but arising out of such certain and visible
 Effects, as may demonstrate a true and real
 Cause: For notwithstanding the many good and
 wholesome Laws, and the Provisions made to pre-
 vent the Increase of Popery within this Kingdom;
 and notwithstanding your Majesty’s most gracious
 and satisfactory Answer to the Petition of both
 Houses in that behalf, presented to your Majesty at
 Oxford, we find there hath followed no good Exe-
 cution nor Effect, but on the contrary (at which
 your

Your Majesty out of the quick Sense of your own
 religious Heart, cannot but be in the highest Mea-
 sure displeased, that those of that Religion do find ex-
 traordinary Favours and Respect in Court from
 Persons of great Quality and Power, whom they
 continually resort unto, and in particular to the
 Councils of Buckingham, who herself openly pro-
 fessing that Religion, is a known Favourer and
 Supporter of them that do the same; which we well
 hoped, upon your Majesty's Answer to the afore-
 said Petition at Oxford, should not have been per-
 mitted, nor that any of your Majesty's Subjects
 of that Religion justly to be suspected, should be
 entertained in the Service of your Majesty, or your
 Royal Consort the Queen. Some likewise of that
 Religion have had Honours, Offices, and Places of
 Command and Authority lately conferred upon
 them. But that which striketh the greatest Ter-
 rour into the Hearts of your loyal Subjects concern-
 ing this, is, that Letters of Stay of legal Proceed-
 ings against them have been procured from your
 Majesty (by what indirect Means we know not :)
 And Commissions under the Great-Seal, granted
 and executed for Composition to be made with
 Popish Recusants, with Inhibitions and Restraint
 both to the Ecclesiastical and Temporal Courts
 and Officers, to intermeddle with them; which is
 conceived to amount to no less than a Toleration,
 odious to God, full of Dishonour, and extreme
 Disprofit to your Majesty, of extreme Scandal and
 Grief to your good People, and of apparent Dan-
 ger to the present State of your Majesty, and of this
 Kingdom, their Numbers, Power, and Insolency,
 daily increasing in all Parts of your Kingdom, and
 especially about London, and the Suburbs thereof,
 where exceeding many Families do make their Abode
 publickly, frequent Mals at Denmark-House,
 and other Places, and by their often Meetings and
 Conferences, have Opportunities of combining their
 Counsels and Strength together, and to the Hazard

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of your Majesty's Safety, and the State, and most
 especially in these doubtful and calamitous Times.
 And as our Fear concerning Change or Subversion
 of Religion, is grounded upon the daily increase of
 Papists, the open and professed Enemies thereof,
 for the Reasons formerly mentioned; so are the
 Hearts of your good Subjects no less perplexed,
 when with Sorrow they behold a daily growth and
 spreading of the Faction of the *Arminians*, that be-
 ing, [as your Majesty well knows, but a cunning
 Way to bring in Popery, and the Professors of those
 Opinions, the common Disturbers of the Protestant
 Churches, and Incendiaries in those States wherein
 they have gotten any Head, being Protestants in
 Shew, but Jesuits in Opinion; which caused your
 Royal Father, with so much pious Wisdom and ar-
 dent Zeal, to endeavour the suppressing of them,
 as well at home as in their neighbour Countries.
 And your gracious Majesty, imitating his most
 worthy Example, hath openly, and by your Pro-
 clamations declared your Dislike of those Persons,
 and of their Opinions; who, notwithstanding are
 much favoured and advanced, not wanting Friends
 even of the Clergy, near to your Majesty; namely,
 Dr. Neale Bishop of *Winchester*, and Dr. Laud Bi-
 shop of *Bath and Wells*, who are justly suspected to
 be unsound in their Opinions that way. And it be-
 ing now generally held the Way to Preferment and
 Promotion in the Church, many Scholars do bend
 the Course of their Studies to maintain those Er-
 rours; their Books and Opinions are suffered to be
 printed and published; and on the other Side, the
 imprinting of such as are written against them, and
 in Defence of the Orthodox Church, are hindered
 and prohibited; and (which is a Boldness almost
 incredible) this restraint of Orthodox Books, is
 made under Colour of your Majesty's formerly-
 mentioned Proclamation, the Intent and Meaning
 whereof we know was quite contrary. And fur-
 ther, to increase our Fears concerning Innovation
 of

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of Religion, we find, that there hath been no small labouring to remove that which is the most powerful Means to strengthen and encrease our own Religion, and to oppose both those, which is the diligent Teaching and Instruction of the People in the true Knowledge and Worship of Almighty God: And therefore Means hath been sought out to depress and discountenance pious, and painful, and orthodox Preachers; and how conformable sever, and peaceable in their Disposition and Carriage they be, yet the Preferment of such is opposed, and instead of being encouraged, they are molested with vexatious Courses and Pursuits, and hardly permitted to Lecture. And in those Places where are no constant preaching Ministers, whereby many of your good People (whose Souls, in this Case, we beseech your Majesty to commiserate) are kept in Ignorance, and are apt to be easily seduced to Error and Superstition. It doth not a little also encrease our Dangers and Fears this way, to understand the miserable Condition of your Kingdom of *Ireland*, where without controul, the Popish Religion is openly professed, and practised in every part thereof, Popish Jurisdiction being there generally exercised and avowed, Monasteries, Nunneries, and other superstitious Houses newly erected, re-edified, and replenished with Men and Women of several Orders, and in a plentiful manner maintained at *Dublin*, and most of the great Towns, and divers other Places of the Kingdom; which of what ill Consequence it may prove, if not seasonably repressed, we leave to your Majesty's Wisdom to judge: But most humbly beseech you, (as we assure our selves you will) to lay the serious Consideration thereof to your royal, and pious Heart, and that some speedy Course may be taken for redress therein.

And if now to all these your Majesty will be pleased to add the Consideration of the Circumstances of Time, wherein these Courses, tending to

' to the Destruction of true Religion, within these
 ' your Kingdoms, have been taken here, even then
 ' when the same is with open Force and Violence
 ' prosecuted in other Countries, and all the Reformed
 ' Churches in Christendom, either depressed, or mi-
 ' serably distressed: We do humbly appeal unto
 ' your Majesty's princely Judgement, whether there
 ' be not just Ground of Fear, that there is some se-
 ' cret and strong co-operating here with the En-
 ' mies of our Religion abroad, for the utter Extir-
 ' pation thereof? And whether, if those Courses be
 ' not speedily redressed, and the Profession of true
 ' Religion more encouraged, we can expect any o-
 ' ther but Misery and Ruin speedily to fall upon us?
 ' Especially, if besides the visible and apparent Dan-
 ' gers wherewith we are compassed about, you would
 ' be pleased to remember the Displeasure of Almight-
 ' y God, always bent against the Neglect of his
 ' Holy Religion, the Strokes of whose Divine Justice
 ' we have already felt, and do still feel with Smart
 ' and Sorrow in great Measure.

' And besides this Fear of Innovations in Religion,
 ' we do in like faithful Discharge of our Duties, most
 ' humbly declare to your Majesty, that the Hearts
 ' of your People are full of Fear of Innovation and
 ' Change of Government, and accordingly possessed
 ' with extreme Grief and Sorrow; yet in this point
 ' by your Majesty's last Answer to our Petition of
 ' Right touching our Liberties much comforted,
 ' and raised again out of that Sadness and Discon-
 ' tent, which they generally had conceived through-
 ' out the whole Kingdom, for the undue Courses
 ' which were the last Year taken for raising of Mo-
 ' neys by Loans, than which (whatever your Ma-
 ' jesty hath been informed to the contrary) there
 ' were never any Moneys demanded nor paid with
 ' greater Grief, and general Dislike of all your
 ' faithful Subjects; though many, partly out of
 ' Fear, and partly out of other Respects, (yet most
 ' unwill-

unwillingly) were drawn to yield to what was required.

The Billeting of Soldiers did much augment both their Fears and Grief, wherein likewise they find much Comfort upon your gracious Answer to our Petition of Right, and to what we presented to your Majesty concerning this particular. Yet we most humbly beseech your Majesty, that we may inform you, that the still Continuance and late re-enforcing of those Soldiers, the Conditions of their Persons, (many of them not being Natives of this Kingdom, nor of the same, but of an opposite Religion) the placing them upon the Sea-coast, where making Head amongst themselves, they may unite with the Popish Party at Home, if Occasion serve, and join with an invading Enemy to do extreme Mischief; and that they are not yet dismissed, doth still minister Cause of Jealousy in your loving Subjects; for that the Soldiers cannot be continued without exceeding great Danger of the Peace and Safety of your Kingdom.

The Report of the strange and dangerous Purpose of bringing in *German* Horse and Riders, would have turned our Doubts into Despair, and our Fears into a Certainty of Confusion, had not your Majesty's gracious Message (for which we humbly give you Thanks) comforted us by the Assurance of your Royal Word, that they neither are, nor were intended by your Majesty for any Service in *England*, but that they were designed for some other foreign Employment. Yet the Sight of the Privy-Seal, by which it seemeth, they were to be levied; the great Sum of Money, which, upon Examination, we found to be paid for that purpose, gave us just Cause of Fear, That much about the same Time there was a Commission under the Great-Seal granted to the Lords, and others of the Privy-Council, to consider of other Ways for raising of Moneys, so particularly by Impositions, gave us just Cause to suspect, that

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‘ that whatsoever was your Majesty’s gracious Intention, yet there wanted not those, that under some colourable Pretence, might secretly by this, as by other ways, contrive to change the Frame both of Religion and Government, and thereby undermine the Safety of your Majesty and your Kingdoms.

‘ These Men could not be ignorant, that the bringing in of Strangers for Aid, hath been pernicious to most States, where they have been admitted, but to *England* fatal. We do bless God that hath given your Majesty a wise understanding Heart to discern of those Courses, and that such Power produceth nothing but Weakness and Calamity. And we beseech your Majesty to pardon the Vehemency of our Expression, if in the loyal and zealous Affections we bear to your Majesty and your Service, we are bold to declare to your Majesty and the whole World, that we hold it far beneath the Heart of any free *Englishman* to think, that this victorious Nation should now stand in need of *German* Soldiers to defend their now King and Kingdom.

‘ But when we consider the Course formerly mentioned, and these Things tending to an apparent Change of Government, the often Breaches of Parliament, whereby your Majesty hath been deprived of the faithful Counsel, and free Aids of your People, by taking of Tonnage and Poundage, without Grant thereof by Act of Parliament, ever since the Beginning of your Majesty’s Reign to this present, the standing Commission granted to the Duke of *Buckingham* to be General of an Army in the Land in the Time of Peace; the discharging of faithful and sufficient Officers and Ministers, some from judicial Places, and others from the Offices and Authorities which they formerly held in the Commonwealth: We cannot but at the Sight of such an apparent Desolation as must necessarily follow these Courses, out of the Depth
of

of Sorrow, lift up our Cries to Heaven for Help, and next, under God, apply our selves unto your sacred Majesty, who, if you could hear so many Thousands speaking together, do jointly implore speedy Help and Reformation.

And if your Majesty would be pleased to take a further View of the present State of your Realm, we do humbly pray you to consider, whether the miserable Disasters and ill Success that hath accompanied all your late Designs and Actions, particularly those of *Cales*, and the Isle of *Rhee*, and the last Expedition to *Rachel*, have not extremely wasted that Stock of Honour that was left unto this Kingdom, sometimes terrible to all other Nations, and now declining to Contempt beneath the meanest.

Together with our Honours, we there lost those (and that not a few) who had they lived, we might have some better Hope of recovering it again; our valiant and expert Colonels, Captains, and Commanders, and many Thousand common Soldiers and Mariners: Though we have some Cause to think, that your Majesty is not as yet rightly informed thereof; and that of Six or Seven Thousand of your Subjects lost at the Isle of *Rhee*, your Majesty received Information but of a few Hundreds. And this Dishonour and Loss hath been purchased with the Consumption of above a Million of Treasure.

Many of the Forts are exceeding weak and decayed, and want both Men and Munition. And here we cannot but with Grief consider, and complain of a strange Improvidence, (we think your Majesty will rather call it Treachery) that your Store of Powder, which by Order of your Privy Council, dated the Tenth of *December* 1626, should be constantly Three Hundred Last, besides a continual Supply of Twenty Last a Month for ordinary Expences, and were now fit (as we conceive) to be double the Proportion, is at this Time in the

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‘ *Tower* (the present Warrants being served) but
 ‘ Nine Lasts and Forty-eight Pounds in all ; which
 ‘ we tremble to think of. And that notwithstanding
 ‘ this extreme Scarcity of Powder, great Quantities
 ‘ have been permitted to be sold out of your Ma-
 ‘ jesty’s Store to particular Persons for private
 ‘ Gain ; whereof we have seen a Certificate, Six
 ‘ Last sold since the fourteenth of *January* last,
 ‘ and your Majesty’s Store being unfurnished of
 ‘ Powder, which by a Contract made with Mr.
 ‘ *Evelyn*, by Advice of your Lords in Parliament,
 ‘ ought to be supplied monthly with Twenty Last,
 ‘ at the rate of Three Pounds Ten Shillings and Ten-
 ‘ pence a Barrel ; your Majesty hath been forced to
 ‘ pay above Seven Pounds a Barrel for Powder, to
 ‘ be brought in from beyond Seas ; for which pur-
 ‘ pose, Twelve Thousand Four Hundred Pounds
 ‘ was impressed to Mr. *Burlemack* the last Year, and
 ‘ that Powder not so good as that by Contract your
 ‘ Majesty should have by one Third-part ; all which
 ‘ are most fearful and dangerous Abuses. But what
 ‘ the Poverty, Weakness and Misery of our King-
 ‘ dom is now grown unto by Decay of Trade, and
 ‘ Destruction, and Loss of Ships and Mariners.
 ‘ within these three Years, we are almost afraid to
 ‘ declare : And could we by any other Means have
 ‘ been sure, that your Majesty should any other
 ‘ way have had a true Information thereof, we should
 ‘ have been doubtful to have made our Weakness
 ‘ and Extremity of Misfortune in this kind to ap-
 ‘ pear : But the importunate and most pitiful Com-
 ‘ plaints from all Parts of the Kingdom near adjoin-
 ‘ ing to the Sea in this kind, would rend, as we
 ‘ think, the stoniest Heart in the World with Sor-
 ‘ row ; and the Sense we have of the miserable Con-
 ‘ dition your Kingdom is in by Reason thereof, e-
 ‘ specially, for that we see no possible means (being
 ‘ now shortly to end this Session) how to help the
 ‘ same, adds such a Weight of Grief unto our sad
 ‘ Thoughts, as we have not Words to express it :
 ‘ But

‘ But for your Majesty’s more exact Information therein, we beseech you be pleased to peruse the Kalendar of Particulars, which with the Remonstrance, we most humbly present unto your Majesty:

‘ One Reason, amongst many, of this Decay of Trade, and Loss of Ships and Mariners is, the not guarding of the narrow Seas, the Regality whereof your Majesty hath now in a manner wholly lost, being that wherein a principal Part of the Honour and Safety of this Kingdom heretofore consisted; and now having absolutely neglected it, the Town of *Dunkirk* doth so continually rob and spoil your Subjects, that we can assure your Majesty (if some present and effectual Remedy be not forthwith provided) the whole Trade of this Kingdom, the Shipping, Mariners, and all belonging thereunto, will be utterly lost and consumed. The principal Cause of which Evils and Dangers we conceive to be the excessive Power of the Duke of *Buckingham*, and the Abuse of that Power: And we humbly submit unto your Majesty’s excellent Wisdom, whether it be safe for your self, or your Kingdoms, that so great Power as rests in him by Sea and Land, should be in the Hands of any one Subject whatsoever.

‘ And as it is not safe, so sure we are, it cannot be for your Service, it being impossible for one Man to manage so many and weighty Affairs of the Kingdom as he hath undertaken, besides the ordinary Duties of those Offices which he holds, some of which well performed, would require the Time and Industry of the ablest Men both of Counsel and Action, that your whole Kingdom will afford, especially in these Times of common Danger.

‘ And our humble Desire is further, that your most excellent Majesty will be pleased to take in to your most Princely Consideration, whether, in respect the said Duke hath so abused his Power, it be safe for your Majesty and your Kingdoms to

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‘ continue him either in his great Offices, or in his
 ‘ Place of Nearness and Counsel about your Sacred
 ‘ Person.

‘ And thus in all Humility, aiming at nothing
 ‘ but the Honour of Almighty God, and the Mainte-
 ‘ nance of his true Religion, the Safety and Hap-
 ‘ piness of your most excellent Majesty, and the
 ‘ Preservation and Prosperity of this Church and
 ‘ Commonwealth; we have endeavoured with faith-
 ‘ ful Hearts and Intentions, and in Discharge of
 ‘ the Duty we owe to your Majesty and our Coun-
 ‘ try, to give your Majesty a true Representation of
 ‘ our present Danger, and pressing Calamities,
 ‘ which we humbly beseech your Majesty graciously
 ‘ to accept, and to take the same to Heart, account-
 ‘ ing the Safety and Prosperity of your People, your
 ‘ greatest Happiness, and their Love, your richest
 ‘ Treasure. A rueful and lamentable Spectacle we
 ‘ confess it must needs be, to behold those Ruins in
 ‘ so fair an House, so many Diseases, and almost
 ‘ every one of them deadly, in so strong and well
 ‘ tempered a Body as this Kingdom lately was. But
 ‘ yet we will not doubt, but that God hath reserved
 ‘ this Honour for your Majesty, to restore the Safe-
 ‘ ty and Happiness thereof, as a Work worthy so ex-
 ‘ cellent a Prince, for whose long Life and true Fe-
 ‘ licity we daily pray, and that your Fame and ne-
 ‘ ver-dying Glory may be continued to all succeed-
 ‘ ing Generations’.

This Remonstrance which was delivered by the
Speaker, though he would very fain have been ex-
 cused, made no great Impression upon the King: but
 however it wrought very much upon the Minds of
 the People. All the Facts therein alledged were
 known Truths, and no Body attempted to say any
 Thing against them. The People readily believed
 the King and his Ministers had a mind to establish a
 despotick Power, because all their Proceedings plain-
 ly showed it. But they could not believe that the
 Parliament

Parliament had purposely formed a Project to rob the King of his Prerogatives. They were the more confirmed in this Opinion, that after the Dissolution of this very Parliament, the King, in the Reasons he gave for this same Dissolution, said not a Word against the Remonstrance.

The same Day the Remonstrance was presented to the King, the *Commons* sent up the Subsidy-Bill to the Lords for their Concurrence. Soon after the King acquaints them by Message, that he meant to end the Session on the 26th of June: Whereupon the *Commons* set about drawing up a particular Remonstrance of the undue taking of *Tonnage and Poundage* *. This was an ancient Impost upon Merchants Goods exported and imported, which the Parliament usually granted to the Kings, to enable them to guard the Seas and protect the Trade. This Impost had for a long while been granted to every King, and it had happened sometimes, that after the Death of a King his Successor had continued to levy it, till such Time as the Parliament had granted it by an Act. As in the Reign of *Charles I.* the Court was much swayed by Precedents favourable to the Prerogative-Royal, and as they took Advantage of such Precedents as if they had been so many Laws, it happened that since King *James's* Death, *Charles* had levied *Tonnage and Poundage*, without vouchsafing to desire an Act of Parliament for that Purpose, under colour that some of his Predecessors had done the like for some Time till an Act was passed. This is what the *Commons* found fault with, maintaing, that it was a pure Grant of the People, and consequently the King had not Power to levy it without the Consent of Parliament; and the rather, that the Seas had never been well guard-

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The Bill of Subsidies is sent up to the Lords.

The Commons prepare a Remonstrance upon Tonnage and Poundage;

* The *Commons* fell immediately upon the Bill of *Tonnage and Poundage*, but finding they should not have Time to accomplish the same, it was ordered that a Committee be appointed to draw up a Remonstrance of the undue taking of *Tonnage and Poundage* without Act of Parliament. *Rush.* Vol. I p 628.

1728. ed, nor the Trade less protected than in the first Years of this Reign. To maintain therefore the People's Rights, and hinder the Crown from usurping by degrees the Impost of *Tonnage* and *Poundage*, independent of the Parliament, the *Commons* prepared a Remonstrance to the King upon that Subject.

The King tells both Houses the Commission for raising Money is cancelled.

Whilst the Remonstrance was getting ready, the King sent the Lords Word, that the Commission for finding means to raise Money was no more than a Warrant of Advice, agreeable to the Time and Occasions then in Hand: But now having received a Token of his People's Love, by the Subsidy-Bill which was ready to be passed, the Commission was become useless, and therefore he had commanded it to be cancelled. As if he had said, in case the Parliament had not granted a Supply, he should have found ways to raise Money. As to his saying that the Commission was but a Warrant of Advice, it is strange that in speaking to Men of Sense, such sorry Excuses should be used. The Day following, the *Commons* were informed also, that the Commission was cancelled. As the Business of *Tonnage* and *Poundage* made a great Noise, 'tis necessary to insert here the *Commons* Remonstrance on that Subject.

Most gracious Sovereign,

The Commons Remonstrance of Tonnage and Poundage. Ruth. Vol. I. p. 628.

YOUR Majesty's most loyal and dutiful Subjects, the *Commons* in this present Parliament assembled, being in nothing more careful, than of the Honour and Prosperity of your Majesty, and the Kingdom, which they know do much depend upon that happy Union and Relation betwixt your Majesty and your People, do with much Sorrow apprehend, that by reason of the Incertainty of their Continuance together, the unexpected Interruptions which have been cast upon them, and the Shortness of Time in which your Majesty hath determined to end this Session, they cannot bring to Maturity and Perfection, divers Businesses of weight,

' weight; which they have taken into their Con-
 ' sideration and Resolution, as most Important for the
 ' common Good: Amongst other Things, they
 ' have taken into especial Care the preparing of a
 ' Bill, for the granting of your Majesty such a Sub-
 ' sidy of Tonnage and Poundage, as might uphold
 ' your Profit and Revenue in as ample a Manner as
 ' their just Care and Respect of Trade (wherein not
 ' only the Prosperity, but even the Life of the King-
 ' dom doth consist) would permit: But being a
 ' Work which will require much Time and Prepa-
 ' ration by Conference with your Majesty's Officers,
 ' and with the Merchants, not only of London, but
 ' of other remote Parts, they find it not possible to
 ' be accomplished at this Time: Wherefore con-
 ' sidering it will be much more prejudicial to the
 ' Right of the Subject, if your Majesty should con-
 ' tinue to receive the same without Authority of
 ' Law, after the Determination of a Session, than if
 ' there had been a Recess by Adjournment only, in
 ' which case, that intended Grant would have re-
 ' lated to the first Day of the Parliament; and as-
 ' suring themselves that your Majesty is resolved to
 ' observe that your Royal Answer, which you have
 ' lately made to the *Petition of Right* of both Houses
 ' of Parliament: Yet doubting lest your Majesty
 ' may be misinformed concerning this particular Case,
 ' as if you might continue to take those Subsidies of
 ' Tonnage and Poundage, and other Impositions upon
 ' Merchants, without breaking that Answer, they
 ' are forced by that Duty which they owe to your
 ' Majesty, and to those whom they represent, to de-
 ' clare, *That there ought not any Imposition to be laid*
 ' *upon the Goods of Merchants, Exported or Imported,*
 ' *without common Consent by Act of Parliament; which*
 ' *is the Right and Inheritance of your Subjects, founded*
 ' *not only upon the most antient and original Constitution*
 ' *of this Kingdom, but often confirmed and declared in*
 ' *divers Statute Laws.*

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‘ And for the better Manifestation thereof, may
 ‘ it please your Majesty to understand, That al-
 ‘ though your Royal Predecessors, the Kings of this
 ‘ Realm, have often had such Subsidies and Imposi-
 ‘ tions granted unto them upon divers Occasions, espe-
 ‘ cially for the guarding of the Seas, and Safe-
 ‘ guard of Merchants: Yet the Subjects have been
 ‘ ever careful to use such Cautions and Limitations
 ‘ in those Grants, as might prevent any Claim to
 ‘ be made, that such Subsidies do proceed from Du-
 ‘ ty, and not from the free Gift of the Subjects.
 ‘ And that they have heretofore used to limit a
 ‘ time in such Grants, and for the most part but
 ‘ short, as for a Year or two, and if it were conti-
 ‘ nued longer, they have sometimes directed a cer-
 ‘ tain Space of Cessation or Intermission, that so the
 ‘ Right of the Subject might be more evident. At
 ‘ other Times it hath been granted upon Occasion of
 ‘ War, for a certain Number of Years, with *Proviso*,
 ‘ That if the War were ended in the mean time,
 ‘ then the Grant should cease: And of Course it
 ‘ hath been sequestered into the Hands of some Sub-
 ‘ jects, to be employed for the guarding of the Seas.
 ‘ And it is acknowledged by the ordinary Answers
 ‘ of your Majesty’s Predecessors, in their Assent to
 ‘ the Bills of Subsidies of *Tonnage* and *Poundage*, that
 ‘ it is of the Nature of other Subsidies, proceeding
 ‘ from the Good-will of the Subject: Very few of
 ‘ your Predecessors had it for Life, until the Reign
 ‘ of *Henry VII.* who was so far from conceiving he
 ‘ had any Right thereunto, that although he grant-
 ‘ ed Commissions for collecting certain Duties and
 ‘ Customs due by Law, yet he made no Commissi-
 ‘ ons for receiving the Subsidy of *Tonnage* and *Poun-
 ‘ dage*, until the same was granted unto him in Par-
 ‘ liament. Since his time all the Kings and Queens
 ‘ of this Realm have had the like Grants for Life,
 ‘ by the free Love and Good-will of the Subjects.
 ‘ And whensoever the People have been grieved, by
 ‘ laying any Impositions, or other Charges upon
 ‘ their

' their Goods and Merchandises, without Authority
 ' of Law (which hath been very seldom) yet upon
 ' Complaint in Parliament, they have been forth-
 ' with relieved; saving in the time of your Royal
 ' Father, who having through ill Counsel, raised
 ' the Rates and Charges upon Merchandizes to that
 ' Height at which they now are, yet he was pleased
 ' so far forth to yield to the Complaint of his Peo-
 ' ple, as to offer, That if the Value of those Im-
 ' positions which he had set might be made good unto
 ' him, he would bind himself and his Heirs by Act
 ' of Parliament, never to lay any other: Which
 ' Offer, the Commons at that Time, in regard of
 ' the great Burden, did not think fit to yield unto.
 ' Nevertheless your Loyal Commons in this Parlia-
 ' ment, out of their especial Zeal to your Service,
 ' and especial Regard of your pressing Occasions,
 ' have taken into their Consideration, so to frame
 ' a Grant of Subsidy of *Tonnage* or *Poundage* to
 ' your Majesty, that both you might have been the
 ' better enabled for the Defence of your Realm, and
 ' your Subjects, by being secure from all undue
 ' Charges, be the more encouraged chearfully to
 ' proceed in their Course of Trade; by the Increase
 ' whereof, your Majesty's Profit, and likewise the
 ' Strength of the Kingdom, would be very much
 ' augmented.

' But not being now able to accomplish this their
 ' Desire, there is no Course left unto them, without
 ' manifest Breach of their Duty, both to your Ma-
 ' jesty and their Country, save only to make this
 ' humble Declaration, That the receiving of *Ton-
 ' nage* and *Poundage*, and other Impositions, not
 ' granted by Parliament, is a Breach of the Fun-
 ' damental Liberties of this Kingdom; and contrary
 ' to your Majesty's Royal Answer to the said Peti-
 ' tion of Right. And therefore they most humbly
 ' beseech your Majesty to forbear any further re-
 ' ceiving of the same; and not to take it in ill part
 ' from those of your Majesty's loving Subjects, who

1628. ' shall refuse to make Payment of any such Charges,
' without Warrant of Law demanded.

' And as by this Forbearance, your most excellent
' Majesty shall manifest unto the World your Royal
' Justice in the Observation of your Laws: So they
' doubt not but hereafter, at the Time appointed for
' their coming again, they shall have occasion to ex-
' press their great Desire to advance your Majesty's
' Honour and Profit.'

The King being informed of the Contents of this Remonstrance, on the 26th of *June* sent for the *Speaker*, who returned some time after to the *House*, whilst this Remonstrance was reading. He was no sooner come, but the King, who was now at the *House* of Lords, sent for the *Commons*, and thus spoke to both *Houses*.

*The King's
Speech to
both Hou-
ses con-
cerning
Tonnage
and Poun-
dage.
Rush. Vol.
I. p. 631.*

' I T may seem strange that I come so suddenly to
' end this Session; before I give my Assent to
' the Bills I will tell you the Cause, though I must
' avow, that I owe the Account of my Actions to
' God alone. It is known to every one, that a while
' ago the House of Commons gave me a Remon-
' strance, how acceptable every Man may judge;
' and for the Merit of it, I will not call that in
' question, for I am sure no wise Man can justify
' it.

' Now since I am truly informed that a second
' Remonstrance is preparing for me to take away the
' Profit of my *Tonnage* and *Poundage*, one of the chief
' Maintenances of my Crown, by alledging, I have
' given away my Right thereto by my Answer to
' your Petition.

' This is so prejudicial unto me, that I am forced
' to end this Session some few Hours before I meant,
' being not willing to receive any more Remonstran-
' ces, to which I must give a harsh Answer. And
' since I see, that even the House of Commons be-
' gins already to make false Constructions of what

' I gran-

‘ I granted in your Petition, lest it be worse interpreted in the Country; I will now make a Declaration concerning the true intent thereof.

‘ The Profession of both Houses in the Time of hammering this Petition, was no way to trench upon my Prerogative; saying, They had neither Intention nor Power to hurt it. Therefore it must needs be conceived; that I have granted no new, but only confirmed the antient Liberties of my Subjects. Yet to shew the Clearness of my Intentions, that I neither repent, nor mean to recede from any Thing I have promised you, I do here declare my self, That those Things which have been done, whereby many have had some Cause to expect the Liberties of the Subjects to be trenched upon, which indeed was the first and true Ground of the Petition, shall not hereafter be drawn into Example for your Prejudice, and from Time to Time, in the Word of a King, ye shall not have the like Cause to complain. But as for *Tonnage and Poundage*, it is a Thing I cannot want, and was never intended by you to ask, nor meant by me, I am sure, to grant.

‘ To conclude, I command you all that are here to take notice of what I have spoken at this Time, to be the true Intent and Meaning of what I granted you in your Petition; but especially you, my Lords, the Judges, for to you only, under me, belongs the Interpretations of Laws, for none of the Houses of Parliament, either joint or separate, (what new Doctrine soever may be raised) have any Power either to make or declare a Law without my Consent.

After this Speech, the *Subsidy-Bill* was passed, the Lords having already given their Consent, and the Parliament was prorogued till the 20th of *October*.

Subsidy-Bill is passed, and the Parliament prorogued. Remark on the King's Speech.

The Speech the King made to the Parliament before the Prorogation, was so dark, that it was hard to conceive upon what Grounds he complained of the

Remonstrance

1628.

Remonstrance the *Commons* had prepared. He seems at first to have considered *Tonnage* and *Poundage* as a Right annexed to his Prerogative-Royal. Otherwise there was no need to observe, that both *Houses* when they were preparing the *Petition of Right*, declared they meant not to inroach upon his Prerogative. This Argument would have been invincible, supposing such a Principle, and the rest would have been very superfluous. But as the King was sensible he could never make appear that this Right belonged to him independently of the Parliament, he proceeded to other Arguments, the Weakness whereof is evident. He said, the two *Houses* did not intend to take from him *Tonnage* and *Poundage*, from whence he inferred, that since they had no such Design in particular, they could not with Justice ask him to give it up. But first, though the *Petition of Right* contained some particular Articles, these Articles did not exclude whatever was contained in the general Article built upon *Statutes* of old: *That no Tax, Tallage, Loan, Benevolence, or other Charge ought to be levied by the King, without the Consent of Parliament.* Now *Tonnage* and *Poundage* being of this Nature, it necessarily followed, that it was included in the general Article, or else, it must have been proved to belong to the Crown, independently of the common Consent of the People. In the second Place, the two *Houses* had no Design to debar him of *Tonnage* and *Poundage* in particular, because they intended to grant it by an *Act*. He could not then conclude from thence, that he had a Right to levy it without their Consent. He alledged as another Argument, that he never meant to grant them this Article, making his Answer to depend upon his Intention. But his Answer, *Soit droit fait comme il est désiré*, manifestly referred to the Contents of the *Petition*, and not to the King's Intention in granting it. His third Argument was taken from *Tonnage* and *Poundage*, being one of the best Revenues of the Crown, and his chief Support. This Argument was very good to demonstrate to the Parli-
ment

ment the Necessity of granting him this Right, and to induce him to continue the Session till the *Act* was passed: but he could not infer from thence, that he had Power to go on to levy it in Spite of the Parliament, especially as he might, if he pleased, have it in a legal Way. Moreover he continually repeated that his Answer depended upon his Intention, directly contrary to the clear and plain Terms of the Answer it self, which could have Reference only to the *Petition*. In fine, in taking from the *Houses* either joint or separate, the Power of declaring what was, or what was not Law, he ascribed it wholly to the Judges under him, that is to say, by being able to make or unmake the Judges as he pleased, he was properly in Possession of this same Power independently of the two *Houses*. This Meaning of his appeared but too plainly afterwards.

This Session was worth to the King five *Subsidies*, which were a very considerable Sum, by means whereof the Parliament purchased the King's Answer to the *Petition of Right*, that is, the Confirmation of the Laws, which till then had passed for incontestable. On the other Hand, the King thought he had bought at no less dear a Rate, the five *Subsidies* by his Condescension to tie up his Hands, in giving his Consent to the *Petition of Right*, contrary to his own Principles, and the Projects he had formed with respect to Government. But he showed afterwards, that in granting the *Petition of Right*, he had done nothing but amused the Parliament, since he never regulated his Conduct by what was contained in the *Petition*. Presently after the Prorogation of the Parliament, the King issued out several Proclamations. The first was to suppress Doctor *Manwaring's* Sermons, [en-

Manwaring's Sermons suppressed by Proclamation.

Rush. Vol. I.

show

p. 633.

* *Rushworth* says, they were wholly suppressed, and that it was

Mon-

1628. show whether the Court was desirous this Order should be punctually executed. But the King's appearing publicly not to approve of these Sermons, was sufficient to satisfy the People.

Another
against the
Bishop of
Chalcedon.

By another Proclamation *Richard Smith* Titular Bishop of *Chalcedon* was ordered to be apprehended with all other Priests and Jesuits that had taken Orders by Authority from the See of *Rome*, and to be committed to the Castle of *Witch* *. Some *Jesuits* being taken up and sent to *Newgate* *, the King ordered that if they were found guilty, they should be carried to the same Castle of *Witch* in the Isle of *Ely*. These were all the Proceedings of the Court against the Papists.

Commissi-
on to com-
pound
with Re-
culants.
Weston
made
Treasurer.
and Earl
of Port-
land.
Laud Bi-
shop of
London,
and Mon-
tagne of
Chichester.

But on the other Hand, the King took a Course which gave a much worse Opinion of his, or his Minister's Zeal for Religion. First, he appointed Commissioners to compound with *Reculants*. 2. Sir *Richard Weston* a Papist, and known for such, was made Lord Treasurer, and afterwards *Earl of Portland*. 3. Doctor *Laud*, who was reckoned Head of the *Arminians* in the Opinion of the *House of Commons*, was translated from *Bath and Wells*, to the Bishoprick of *London*. 4. Doctor *Montague* who had given so great Offence by his Book, entitled, *Appeal to Cæsar*, was promoted to the See of *Chichester* *. 2.

The

Montague's Books that were ordered to be delivered to the Bishop of the Diocels, &c. *Rush. I. 633, 635.*

* They were first to be committed to the County Goals, but if after Conviction there should be cause to respite Execution, they were to be removed to *Witch*. *Rush. I. p. 633.*

*1 These were a Nest of *Jesuits* discovered in *Clerkenwell*, and formerly apprehended, who were also after Conviction to be removed from *Newgate* to *Witch*. *ibid.*

*2 *Mauwarring* also (having with *Montague* procured a Royal Pardon of all Errors) was notwithstanding his being disabled by the *House of Lords* from all future Preferments, immediately presented to the Rectory of *Stamford Rivers*, with a Dispensation to hold *St. Giles's* in the Fields. *ibid.*

The Town of *Rochel* being at this Time closely besieged by the King of *France*, the King had prepared a Fleet to relieve it, and the Duke of *Buckingham*, who was to have the Command, was now at *Portsmouth*. But when he was about to embark, he was stabbed to the Heart with a Knife, and immediately fell down dead. The Assassin was one *Felton*, who owned that after the Declaration of the *Commons* against the Duke, he had looked upon him as an Enemy to his Country, and that this had induced him to commit the Deed. It appeared by his Tryal, that he had no Accomplice, and that he was hurried on to this wicked Action by an excess of Zeal. The King [being then at *Sir Daniel Norton's* near *Portsmouth*] seemed extremely concerned at the Duke's Death, and in order to give, even after his Death, continual Marks of his Affection, his Creatures remained in the same Favour and Posts they had enjoyed in the Life-time of their Protector.

Mean while, as the Relief of *Rochel* could not be delayed any longer, the King sent away the Fleet designed for that purpose. But Cardinal *Richelieu* had used such great Diligence, that the *Barricado* he was making to hinder the *English* Ships from approaching, was finished, so that the *English* Fleet was forced to return without doing any Thing, having first seen *Rochel* taken.

The Meeting of the Parliament appointed to be on the 20th of *October*, was by Proclamation prorogued to the 20th of *January*. In this Interval, certain Cases happened which supplied the Parliament with a fresh Occasion of Complaint, and which in the end caused their Dissolution. Though the Remonstrance concerning *Tonnage* and *Poundage* was not presented to the King, it was however made publick, and was sufficient to let the People see what was the sense of the *House of Commons* upon that Point. Upon this Foundation three Merchants among others, refused to pay this Impost to the King. *Rolls*, one of the three, Merchant of *London*, and Member of the *House*

1628.
Buckingham murdered by Felton.
Aug. 23.
Clar. I.
p. 36.

The Fleet departs, but cannot relieve Rochel.

The Parliament is farther prorogued to the 20th of January

Some Merchants refuse to pay Tonnage and Poundage.
Ruth.
Vcl. I.
of p. 41.

1628.

*Their
Goods, are
seized.*

of *Commons*, having refused it, as contrary to *Law*, the Custom-House-Officers seized his Goods, and upon his alledging the Authority of Parliament, one of the Officers insolently told him, *That if all the Parliament were in him, his Effects should be seized. Chambers and Vassal*, the other two Merchants of *London*, the first of whom was *Alderman*, were condemned to pay *Tonnage and Poundage* by the Barons of the *Exchequer*, who ordered their Goods to be detained.

1628-9.

*The Par-
liament
meets.
The King
sends for
both Hou-
ses.*

The Parliament meeting the 20th of *January* 1628-9, *Rolls's* Affair was immediately laid before the *House*, and referred to a *Committee* to be examined. Whilst the *Committee* were in Debate, the King sent a *Messenger* to the *House*, willing them to desist till next Day in the Afternoon, at which Time he would speak with them at *Whitehall*. The Lords having received also Orders to be there, the King made the following Speech to both *Houses*.

*The King's
Speech
concerning
Tonnage
and Poun-
dage.
Rush. Vol.
I. p. 644.*

THE Care I have to remove all Obstacles that may hinder the good Correspondency between me and this Parliament, is the Cause I have called you together at this Time, the particular Occasion being a Complaint made in the lower House. And for you, my Lords, I am glad to take this, and all other Occasions, whereby you may clearly understand both my Words and Actions, for as you are nearest in Degree, so you are the fittest Witnesses unto Kings.

The Complaint I speak of is for staying Men's Goods that deny *Tonnage and Poundage*; this may have an easy and short Conclusion, if my Words and Actions be rightly understood: For by passing the Bill, as my Ancestors have had it, my by-past Actions will be included, and my future Proceedings authorised, which certainly would not have been stuck on, if Men had not imagined that I had taken these Duties as appertaining to my Hereditary Prerogative, in which they are much deceived; for it ever was and still is my mean-
ing,

'ing, by the Gift of my People to enjoy it, and
'my Intention in my Speech at the ending of the
'last Session concerning this Point, was not to
'challenge Tonnage and Poundage as of right, but
'*de bene esse*, shewing you the Necessity, not the
'Right, by which I was to take it, until you had
'granted it to me, assuring my self, according to
'your general Professions, you wanted Time, not
'Will to give it me.

'Wherefore now having Opportunity, I expect
'that without Loss of Time you make good your
'Professions, and so by passing a Bill, put an end to
'all the Questions arising from this Subject; especi-
'ally since I have cleared the only Scruple that can
'trouble you in this Business. To conclude, let us
'not be jealous one of the other's Actions; for if I
'had been easily moved at every Occasion, the Or-
'der you made on *Wednesday* last might have made
'me startle, there being some Shew to suspect that
'you had given your selves the Liberty to be the
'Inquisitors after Complaints (the Words of your
'Order being somewhat too largely penned) but
'looking into your Actions, I find you only hear
'Complainers, not seeking Complaints: For I am
'certain you neither pretend, nor desire the Liber-
'ty to be Inquisitors of Mens Actions before par-
'ticular Complaint be made.

'This I have spoken to shew you how slow I am
'to believe harshly of your Proceedings, likewise
'to assure you, that the Houses Resolutions, not
'particular Mens Speeches, shall make me judge
'well or ill, not doubting, but according to my
'Example, you will be deaf to ill Reports concern-
'ing me, till my Words and Actions speak for
'themselves, that so this Session beginning with
'Confidence one towards another, it may end with
'a perfect good Understanding between us: Which
'God grant.'

1628 9. *The Commons consider of Matters of Religion, notwithstanding the King's Instances to go upon Tonnage and Poundage.* Some Days after the King sent a Message to the Commons that the Bill of *Tonnage and Poundage* might be speedily taken into Consideration, and no Time lost. But the Commons not thinking the King had Power to prescribe the Time to them, fell upon Matters of Religion, particularly with regard to *Arminianism*; and finding that *Laud*, *Montague*, and *Mauwaring* had been preferred since the last Session, several Members made great Complaints. Though the King pressed them again by Message to proceed with the Bill of *Tonnage and Poundage*, they pretended that Religion ought to have the Precedence of all other Matters. And for that Reason they began to enquire how the Execution of the Laws against *Papists* came to cease; and whence it was that *Papists* were employed and countenanced; and that some new Ceremonies were continually introduced, especially at *Durham*, by Dr. Cozens, the Dean, as *Angels*, *Saints*, *Crucifixes*, *Altars*, *Candles on Candlemas-Day*, and lastly, from whence proceeded the Increase of *Arminianism*.

Complaints against Dean Cozens.

The King forbids the Commons to meddle with religious Matters.

They regard not his Orders.

This Inquiry was interrupted by a fresh Message from the King, requiring them to give the Preference to the Bill of *Tonnage and Poundage*. Nevertheless he declared, that he meant not to interrupt their Debates upon Matters of Religion, provided the House did not meddle with what did not belong to them. By that, he took away with one Hand what he gave with the other, since he was of Opinion the Commons had no Business to meddle with Religion. This Message hindered them not from proceeding with their Debates concerning Religious Matters. The Proclamation forbidding all Disputes for and against *Arminianism* was complained of particularly, wherein it was said, *If there be any Difference of Opinion concerning the seasonable Interpretation of the Thirty-nine Articles, the Bishops have power to order which way they please.* But as some of the Bishops were suspected, it was inferred, that by the Terms of the Proclamation, the Kingdom would be obliged to receive *Papery* or *Arminianism*,

Arminians, by following the Determinations of the Bishops. These Suspensions fell chiefly upon *Laud* and *Neil*, who being the King's Counsellors for Matters of Religion, governed almost all the other Bishops. Upon this Account, the *House*, to prevent the Dangers they were apprehensive of, thought fit to enter into this Vow :

We the Commons in Parliament assembled, do Claim, The Vow Protest and Avow for Truth, the Sense of the Articles of Religion, which were established by Parliament in the Thirteenth Year of our late Queen Elizabeth, which by the publick Act of the Church of England, and by the general and currant Expositions of the Writers of our Church, have been delivered unto us. And we reject the Sense of the Jesuits and Arminians, and all others, wherein they differ from us.

As the *Commons* Intent was to make the People believe Religion was in Danger, they desired the Concurrence of the Lords to petition to the King for a *Fast*, which they obtained with some Difficulty. The King plainly perceived the Drift of this *Petition*; and though he did not think fit to reject it, yet he answered, That the Custom of Fasting every Session was but lately begun; that he granted it however for this time, though he did not see the Necessity of it: but for the future he would not grant a *Fast* except on extraordinary Occasions. Adding, that as for the Defence of the Reformed Churches Abroad, *Fighting* will do them more good than *Fasting*.

As the King had frequently pressed the *Commons* to go upon the Bill of *Tonnage* and *Poundage*, and give it the Precedence of Matters of Religion, they thought themselves obliged to present a Declaration to the King to justify their Proceedings.

This Declaration, which was a Sort of Apology, containing nothing of any Moment, I do not think it necessary to insert it at length. It suffices to say, the *Commons* desired to be excused for two Reasons, that

*Best How-
ses petition
for a Fast.
The King
grants it.*

*Declara-
on of the
Commons
to the King*

1628-9. they had not given the Preference to the Bill of *Tonnage* and *Poundage* before Matters of Religion. The first Reason was, because Matters of Religion having been moved before the other, the constant Order of the *House* required they should be dispatched first. The second was, the Weight and Importance of the Concerns of Religion. They concluded with thanking the King for his Promises to maintain Religion, thereby reproaching him tacitly for not performing them.

The King answered this Declaration not fully and particularly, but by some short Remarks. He told them, *He thought it strange they should have an ill Opinion of him with respect to Religion.* He assured them, *that he would never stop his Ears to the Complaints that should be brought to him upon that Subject, provided that in Form and Matter the Commons did not transgress their Limits.* Concluding with these Words: *I must still be instant with you, that you proceed with Tonnage and Poundage with Diligence; (not looking to be denied in so just a Desire;) and you must not think it strange, if I, finding you slack, give you such further quickning as I shall find Cause.*

Religious
Grievances.

After this, the Commons continued their Debates about Matters of Religion, and particularly about the Proclamation before spoken of, to prohibit disputing for or against *Arminianism*. It was alledged, that it was a Snare to entrap the *Orthodox*, and give the *Arminians* more Liberty, and that *Laud* and *Montague* had advised the King thereto. It was complained also, that the Enemies to Religion had procured a Royal Pardon under the Great-Seal for four Ecclesiasticks, the most suspected of any in *England*, namely, *Montague*, *Cosins*, *Sibthorp* and *Manwaring*, and that in Contempt of the Parliament they were even promoted to Bishopricks or other good Benefices. I confess I cannot conceive how it is possible to justify the King's Complaisance for those, who advised him to protect so openly, nay, to prefer Men so odious to the Parliament, since he could not be ignorant

ignorant how much he rendered himself suspected by such a Conduct. At least it cannot be denied that he afforded his Enemies a Handle against him. But besides that it was the Temper of the King and Court to look upon the Parliament, and especially the *Commons*, with extreme Contempt, the King could deny nothing to Dr. *Laud*, who was his prime Counsellor in Ecclesiastical Affairs. To confirm the Suspicions of the *Commons* against *Laud*, the Printers and Booksellers in *London* presented to them several Petitions, complaining of the Restraint of Books written against *Popery* and *Arminianism*, whilst a Licence was never refused to such as were composed in favour of *Popish* or *Arminian* Doctrines. They even instanced in certain Books against *Popery*, which were denied to be licensed. They affirmed, this was all done by the sole Means of the Bishop of *London* or his Chaplains, to whom the Examination of the Books was committed.

As Dr. *Laud*, afterwards Archbishop of *Canterbury*, made a very great Figure in *England* during the first Fifteen Years of this Reign, I do not think it improper to relate here part of what is said for and against him. Not that I pretend fully to make known his Genius, his Character, his Religion: this to me seems impracticable, considering what opposite Opinions there are concerning him, it being almost impossible to affirm any thing of him, good or bad, upon the Testimony of some, but what is contradicted and rejected as false by others. This is the common Effect of Parties. Hardly can any thing be added to the Encomiums which those who profess what they call *Higb-Church*, that is the rigid Episcopalians, bestow on this famous Bishop. The Lord *Clarendon*, in his History, expresses, on all Occasions, a great Esteem for *Laud*, and finds no fault in him, but a little too much Eagerness to bring about what he took in Hand. All the Rest of the same Party extol him to the Skies. They see no Imperfection in him: They every where cry up his Wisdom, his good Sense, his Learning, his

*Laud's
Character.*

Piety, and above all, his Zeal for the Church of England, for which he at last died a Martyr. The Presbyterians, on the contrary, without denying his Qualifications and Learning, affirm, he was a rank Arminian, and almost a Papiſt. They ſay, that under the Colour of great Zeal for the Ceremonies of the Church, he carried them ſo far as to make them border upon Popery, and render himſelf juſtly ſuſpected of deſigning by Degrees to re-eſtabliſh the Romiſh Religion in England. That to this End he made even the leaſt Trifles, ſuch as the Reformers had not meddled with, becauſe they ſeemed to them to be indifferent, to be looked upon as eſſential to Religion. They inferred from thence, that it was impoſſible for a Man of his Senſe, to be attached to things of ſo little Moment, had he not had ſome ill Deſign againſt the Reformed Religion. That he was a mortal Enemy of the Presbyterians and Puritans, becauſe from them he met with moſt Oppoſition to the Execution of his Projects. For my part, I own, that in all that has been ſaid againſt him, I have found no convincing Proof of his having had any Deſign to re-eſtabliſh the Roman-Catholick Religion in England, unleſs we confound, as many did in thoſe Days, Popery with High-Church, through a pure Spirit of Party. But it is very certain, he mortally hated the Presbyterians, and would have utterly rooted out Puritanism, had it been in his Power. As to Arminianism, there is all the Likelihood in the World that he leaned very much that Way. Here is the Character Archbiſhop Abbot, his Predeceſſor, gave him in the Narrative which he drew up in his own Vindication in the Year 1627.

Archbp.
Abbot's
Character
of Biſhop
Laud.
Ruſh Vol.
1. 10.

- This Man is the only inward Counſellor with
- Buckingham, ſitting with him ſometimes privately
- whole Hours, and feeding his Humour with Ma-
- lice and Spight.
- His Life in Oxford was to pick Quarrels in the
- Lectures of the publick Readers, and to advertiſe
- them to the then Biſhop of Durham, that he might
- fill

to fill the Ears of King James with Discontents, against the honest Men that took Pains in their Offices, and settled the Truth (which he called Puritanism) in their Auditors.

He made it his Work to see what Books were in the Press, and to look over Epistles Dedicatory, and Prefaces to the Reader, to see what Faults might be found.

It was an Observation what a sweet Man this was like to be, that the first observable Act that he did, was the marrying of the Earl of D. to the Lady R. ; when it was notorious to the World that she had another Husband, and the same a Nobleman, who had divers Children then living by her. King James did for many Years take this so ill, that he would never hear of any great Preferment of him ; inſomuch that the Biſhop of Lincoln, Dr. Williams, who taketh upon him to be the first Promoter of him, hath many times ſaid, That when he made mention of *Laud* to the King, his Majesty was ſo averſe from it, that he was conſtrained oftentimes to ſay, That he would never deſire to ſerve that Maſter, which could not remit one Fault unto his Servant. Well, in the End he did conquer it, to get him to the Biſhoprick of St. David's, which he had not long enjoyed, but he began to undermine his Benefactor, as at this Day it appeareth. The Counteſs of *Buckingham* told *Lincoln*, that St. *David's* was the Man that undermined him with her Son : And verily, ſuch is his aspiring Nature, that he will underwork any Man in the World, that ſo he may gain by it.

This Character is not to *Laud's* Advantage : but it must be observed, that the Archbishop ascribed his own Disgrace to the secret Counsels that Prelate gave to the Duke of *Buckingham*.

• Last it seems had married Charles Bluns Earl of Devonshire to the Lady Rich, Wife to the Earl of Warwick, who was then alive.

1628-9.
*Fresh
 Quarrel
 between
 the King
 and Com-
 mons a-
 bout Ton-
 nage and
 Poundage.*
 Rush.
 Vol. I.
 p. 653.

Whilst the *Commons* were in Debate concerning Matters of Religion, the Ware-house of Mr. *Rolls* Merchant and Member of Parliament, was locked up by a Pursevant, and himself called forth and served with a *Subpœna* *. This put the *House* in a Flame, and occasioned the sending for the Officers of the Customs, to know upon what account they had seized the Merchant's Effects, and carried them to the King's Store-house *.1. They replied, It was for refusing to pay *Tonnage* and *Poundage* and other Duties. But because there was an Information already preferred against the Merchants in the *Exchequer* and *Star-Chamber*, the *Commons* resolved not to proceed with the Bill of *Tonnage* and *Poundage* till the Goods were restored to the Owners, and ordered that the *Barons* of the *Exchequer* should be told to make void their Injunction concerning the Detaining of the Merchant's Effects *.2. The *Barons* returned answer, That they did not, by their Injunctions, determine or any way touch upon the Right of *Tonnage* and *Poundage*; neither did they by their Orders, bar the Owners from suing for their Goods in a lawful Course; but whereas the Merchants-

* The Author says, the Pursevant sent for Mr. *Rolls* out, to order him not to touch what was locked up. But this and some other little Mistakes in this and the following Paragraphs are corrected in the Translation, it not being so easy to do it by way of Note.

*1 It was moved, that the Person that served the *Subpœna* might be sent for and examined by what Procurement it was taken forth. Sir *Humphrey May*, Privy Counsellor, assured the *House*, that this neither proceeded from King nor Council. and therefore desired it might be searched to the Bottom. And afterwards, the Attorney General wrote a Letter to Mr. *Rolls*, telling him the serving a *Subpœna* upon him was a Mistake. And yet Report was made to the *House* by the Committee for *Tonnage* and *Poundage*, that the Attorney-General, notwithstanding his Letter, did give Order for the Process against Mr. *Rolls*. Rush. I. p. 654.

*2 *Chamber's* It seems having sued out a Writ of *Replevin*, the proper Remedy in Law to regain the Possession of his Goods; the *Barons* of the *Exchequer* did order an Injunction under the Seals of the said Court, directed to the *sheriffs* of *London*, commanding them not to execute the said Writ, or any the like, and declaring the Goods were not *replevable*. Rush. I. p. 543.

1628-9.

Merchants endeavoured to take their Goods out of the King's Possession by Writs of *Replevin*, which was no lawful Course in the King's Case, nor agreeable to his Prerogative Royal; therefore the Court of *Exchequer* did stay those Suits, and fully declare, That the Owners, if they conceived themselves wronged, might take such Remedy as the Law allows. This Answer, which was not to the Purpose, not being satisfactory to the Commons, a Motion was made to consider whether ever the Court of *Exchequer* held this Course before, for staying of *Replevins*; and whether this hath been done by Prerogative of the King in his Court of *Exchequer*.

This Affair having been long debated in the House, the Officers of the Customs were sent for again, and answered, That they acted by virtue of a Commission under the Great-Seal. One of them said, *He had seized the Goods for Duties that were due in the Time of King James, and that his Majesty had sent for him, and commanded him to make no other Answer.* Whereupon, the House being turned into a Grand-Committee, a Motion was made and seconded, whether the Officers of the Custom should be proceeded against, by separating their Interest from that of the King. After several Speeches *pro* and *con*, a Report was made from the Grand-Committee, that they had at last resolved that Mr. *Rolls* ought to have Privilege of Person and Goods; which being voted, the Speaker was moved to put the Question, but he refused to do it, saying, the King had commanded the contrary. Such a Command could not but surprize the House; they adjourned to the 25th of February, and then were farther adjourned by his Majesty's Order till the 2d of March. On that Day the Commons being met, and requiring the Speaker to put the Question, he said, *I have a Command from the King to adjourn the House till the 10th of March.* And endeavouring to go out of the Chair, he was held down by force till Sir John Elliot had drawn up the following Protestation, which was approved by the Majority, though

The Speaker refuses to put the Question.

He adjourns the House.

He would have gone out, but is detained by Force.

1628 9. not without great Tumult and Confusion, and even some Blows.

The COMMONS' Protestation.

The Commons' Protestation.

1. Whosoever shall bring in Innovation of Religion, or by Favour or Countenance seem to extend or introduce Popery or Arminianism, or other Opinions disagreeing from the Truth and Orthodox Church, shall be reputed a capital Enemy to this Kingdom and Commonwealth.

2. Whosoever shall counsel or advise the Taking and Levying of the Subsidies of Tonnage and Poundage, not being granted by Parliament, or shall be an Actor or Instrument therein, shall be likewise reputed an Innovator in the Government, and a capital Enemy to the Kingdom and Commonwealth.

3. If any Merchant or Person whatsoever, shall voluntarily yield or pay the said Subsidies of Tonnage and Poundage, not being granted by Parliament, he shall likewise be reputed a Betrayer of the Liberties of England, and an Enemy to the same.

Proclamation to notify the Dissolution of the Parliament. Rush. Vol. I. p. 660.

As the King expected no Supply of Money from this second Session, he was very glad of having, as he thought, a plausible Pretence to dissolve the Parliament. So, that very Day, a Proclamation was drawn up*, to give notice of his Design to dissolve the Parliament on the 10th of March, and that the Members might depart about their own Affairs.

Nine Members cited before the Council.

The next Day Warrants were directed from the Council to Denzil Hallis, Sir Miles Hobart, Sir John Elliot, Sir Peter Hayman, John Selden, William Coriton, Walter Long, William Stroud, Benjamin Valentine Esqrs; commanding their personal Appearance on the Morrow. Four of them, Hollis, Elliot, Coriton,

Four appear, and are sent to the Tower.

* The Author says, published; but it was not published till the 10th of March. Rush. I. p. 661.

river, and *Valentine*, appeared; and refusing to answer out of Parliament, for what was said or done in Parliament, were committed close Prisoners to the Tower. The Council ordered at the same Time, the Studies of *Hollis*, *Elliot*, and *Selden*, to be sealed up; and a Proclamation was issued out for apprehending them. It must be observed that the Parliament not being yet dissolved, these Men were still actually Members of Parliament.

On the 10th of *March* the King coming to the Parliament-House, made the following Speech, addressing himself only to the Lords, there being but few *Commons* present, [the *Speaker* and *House of Commons* not having been called.]

My LORDS,

I NEVER came here upon so unpleasant an Oc-
 casion, it being the Dissolution of a Parlia-
 ment; therefore Men may have some Cause to
 wonder, why I should not rather chuse to do
 this by Commission, it being a general Maxim
 of Kings, to leave harsh Commands to their Mi-
 nisters, themselves only executing pleasing Things:
 yet considering that Justice as well consists in reward
 and praise of Virtue, as punishing of Vice, I thought
 it necessary to come here to Day, and to declare to
 you and all the World, that it was merely the undu-
 tiful and seditious Carriage in the Lower-House that
 hath made the Dissolution of this Parliament; and
 you, *My Lords*, are so far from being any Causes
 of it, that I take as much Comfort in your dutiful
 Demeanour, as I am justly distasted with their
 Proceedings; yet to avoid their Mistakings, let
 me tell you, that it is so far from me to adjudge all
 the House alike guilty, that I know that there are
 many there as dutiful Subjects as any in the World,
 it being but some few Vipers among them that did
 cast this Mist of Undutifulness over most of their
 Eyes:

*The King's
 Speech at
 the Dissol-
 ution of
 the Par-
 liament.
 Rush.
 Vol. I.
 p. 662.*

1628 9. ' Eyes : Yet, to say Truth, there was a good Number there, that could not be infected with this Contagion ; insomuch that some did express their Duties in speaking, which was the general Fault of the House the last Day. To conclude, as those Vipers must look for their Reward of Punishment, so you, *My Lords*, must justly expect from me that Favour and Protection, that a good King oweth to his loving and faithful Nobility. And now, my Lord-Keeper, do what I have commanded you.'

Then the Lord-Keeper said, *My Lords, and Gentlemen of the House of Commons*, [though the *Commons* were not called] *the King's Majesty doth dissolve this Parliament.*

Remark on
the Dissolution of
the Parliament.

The Dissolution of the Parliament was caused by the Insolence of the *House of Commons*, as the King had just told the Lords ; and this Insolence, this seditious Carriage consisted only in keeping the *Speaker* in his Chair by force, after he had notified that the *House* was adjourned by his Majesty's Order, till a Protestation of three very short Articles was set down in Writing. This was the *Commons* great Offence. And here it must be remarked, that there was a wide Difference between the *adjourning*, and the *proroguing* or *dissolving* of the Parliament. The King's Power to *prorogue* and *dissolve* was never called in question ; but before the Time of *James I.* I believe no King had ever thought of adjourning the Parliament. King *James* was the first that did it. The *Commons* complained of it as a Breach of their Privileges ; but not finding the Lords inclined to dispute this Power with the King, they were forced to give way, though they foresaw the ill Consequences thereof. These Consequences showed themselves in the present Reign. *Charles I.* taking Advantage of this only Precedent established by the King his Father, was not satisfied with hindering the Parliament from adjourning themselves at *Easter*, as has been seen ; but he even adjourned

journed the *House* twice, at a Time when the *Commons* were debating about Matters which were not agreeable to him, and also prevented the *Speaker*, by his sole Authority, to put the Question when required. It was easy to see what the Consequence might be of the King's being able to adjourn the *House*. It would be in his Power to put a stop to all the Debates of either *House*, by adjourning them whenever they had a mind to take into Consideration any Matters displeasing to him. On the other Hand, upon Supposition that this Power of the King's was unquestionable, the *House of Commons* had disobeyed his Orders, and violated his Prerogative, which might be attended with no less ill Consequence. But the King, taking for granted that this Power was fully established, without giving himself any further Trouble to prove it, resolved to punish the *House of Commons*, not only by the Dissolution of the Parliamept, a Punishment which concerned the whole Nation rather than their Deputies; but also in pitching upon some of their most active and stirring Members, in order to have them condemned as rebellious and seditious.

To that purpose he commanded the Judges of the Realm to meet and give their Opinions upon the Questions he had to propose to them, that he might be guided by their Determinations, lest he should be accused of proceeding too arbitrarily. The Questions, with the Judges Answers were:

1. Whether if any Subject hath received probable Information of any Treason, or treacherous Attempt, or Intention against the King or State, that Subject ought not to make known to the King, or his Majesty's Commissioners, when thereunto he shall be required, what Information he hath received, and the Grounds thereof; the King being truly informed, may prevent the Danger? And if the said Subject in such case shall refuse to be examined, or to answer the Questions which shall be demanded of him for farther Inquiry and Discovery of the Truth, whether it be not a high Contempt in him, punishable

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Questions
proposed
by the King
to the
Judges,
concerning
the imprisoned
Members.
Rush.
Vol. I.
p. 663.

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punishable in the Star-Chamber, as an Offence against the general Justice and Government of the Kingdom?

Sol. The Resolution and Answer of all the Justices was, 'That it is an Offence punishable as aforesaid, so that this do not concern himself, but another, nor draw him to Danger of Treason or Contempt by his Answer'.

2. *Whether it be a good Answer or Excuse, being thus interrogated, and refusing to answer, to say, That he was a Parliament-man when he received this Information, and that he spake thereof in the Parliament-house; and therefore the Parliament being now ended, he refused to answer to any such Questions but in the Parliament-house, and not in any other Place?*

Sol. The Judges did not venture to decide publicly this Question. But they gave this Answer by Advice privately to the Attorney-General, 'That this Excuse being in Nature of a Plea, and an Error in Judgement, was not punishable, until he were over-ruled in an orderly Manner to make another Answer; and whether the Party were brought in *Ore tenus*, or by Information, for this Plea he was not to be punished'.

3. *Whether a Parliament-man, committing an Offence against the King or Council, not in a Parliament way, might, after the Parliament ended, be punished or not?*

Sol. All the Judges, *una voce*, answered, 'He might, if he be not punished for it in Parliament; for the Parliament shall not give Privilege to any, *contra morem Parliamentarium*, to exceed the Bounds and Limits of his Place and Duty. And all agreed, That regularly he cannot be compelled out of Parliament to answer Things done in Parliament, in a Parliamentary Course; but it is otherwise where Things are done exorbitantly, for those are not the Acts of a Court'.

4. *Whether*

4. *Whether if one Parliament-Man alone shall resolve, or two or three shall covertly conspire to raise false Slanders and Rumours against the Lords of the Council and Judges, not with intent to question them in a legal Course, or in a Parliamentary way, but to blast them, and to bring them to hatred of the People, and the Government in Contempt, be punishable in the Star-Chamber after the Parliament is ended.*

Sol. The Judges resolve, 'That the same was punishable out of Parliament, as an Offence exorbitant committed in Parliament, beyond the Office and besides the Duty of a Parliament-man.

The Artifice of these Questions consisted, 1. In the King's proposing them in a general manner, as if they had not related to any particular Person's Case. 2. In his ascribing to one, two, or three Members of the House, what was done by a great Majority. 3. In supposing Offences, Outrages, Treasons against himself or Council, and in deciding Questions of Law before the Facts were stated *

By Virtue of these Determinations, the Attorney-General exhibited in the *Star-Chamber* an Information against the imprisoned Members, wherein he aggravated very much what had passed in the *Lower-House* when the *Speaker* was kept by force in the Chair, but without the least mention of the Occasion. *The Attorney-General informs a gainst the imprisoned Members.*

At the same Time Alderman Chambers, one of those that refused to pay *Tonnage* and *Poundage*, was prosecuted also in the *Star-Chamber*, for saying, *That the Merchants were more screwed up and wrung in England than in Turkey.* He was condemned in an exorbitant *Fine*, by which [and some other Oppressions] he was reduced to a very low Condition. *Chambers condemned for refusing Tonnage, &c.*

I have

* Judge *Whitlock* often highly complained against this way of leading to the Judges for their *Opinions* beforehand, and said, *That if Bishop Land went on in this way, he would kindle a Flame in the Church.* White. 13.

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I have already mentioned in another Place the Authority the Court used to remove from the Parliament such Gentlemen as they were afraid of, by making them *Sheriffs* of their respective Counties, which obliged them to swear to the due Execution of their Office. *Walter Long* Esq; of *Wiltshire*, being made *Sheriff* of the County a little before the calling of the last Parliament, was however elected [for *Bath*] and he preferred this Service to that which his Office obliged him to. During the sitting of the Parliament *Long* was left in quiet: But after the Dissolution, the Court entered an Information against him in the *Star Chamber* for breaking his Oath [by absenting himself from his County] and he was fined Two Thousand Marks.

*Long is
fined.*

*The im-
prisoned
Members
are fined.*

The other Members that were in several Prisons, having prayed the Judges to be released upon *Bail*, by virtue of the *Habeas Corpus*, when the Judges were met, and ready to deliver their Opinions, the Prisoners were not brought to the Bar according to the Rule of Court. Whereupon Proclamation being made for the bringing them in, the Court was informed that they were removed to the *Tower* by the King's own Warrant. Then there came a Letter to the Judges from the King, signifying to the Court that the Prisoners were not suffered to appear before them, by Reason of their insolent Carriage towards him. That is to say, instead of applying themselves to the King for Pardon, they had addressed themselves to the Judges to be released upon *Bail*, according to Law. Not to insist too long upon this Affair, I shall content my self with saying in two Words, that they were kept in Prison from the Beginning of *March*, till the Beginning of *October*, without being tried, and without being able to obtain the Benefit of the *Habeas Corpus*. In fine, the Court of King's Bench having agreed with one Voice, That the Court as this Case is, shall have Jurisdiction, though the Offences were committed in Parliament, and that the im-
prisoned

soned Members ought to plead, Judgement was given against them upon a *Nilil Dicit* *. They were to be imprisoned during the King's Pleasure, and moreover *Elliot* was fined 2000 Pounds, *Hollis* 1000 Marks, and *Valentine* 500 Pounds.

The King's Conduct, as well in dissolving the Parliament; as in what was done afterwards, could not but breed Discontents among the People. Murmurings were every where heard: Libels were dispersed about London against the King's Counsellors, and particularly against Bishop *Laud* *1 and the Lord Treasurer *Weston*, who were accused of putting the King upon these violent Proceedings. For this Reason it was that the King, in order to prevent worse Complaints, published a Declaration to notify to the People the Causes of the Dissolution of the last Parliament. Though this Declaration be of a great length, I think it necessary to insert the whole in this Place, lest I should be accused of having either passed over in Silence, or too much abridged what may serve to justify the King. It must be observed that it was dated the 10th of *March*, the very Day the Parliament was dissolved, though it was not published that Day, but some Time after.

The King's Declaration to all his Subjects, notifying the Causes which moved him to dissolve the last Parliament.

• **H**owsoever Princes are not bound to give account of their Actions but to God alone; yet
Rush. Vol. I. for Appendix, p. 1.

* They refused to put in another Plea than denying the Jurisdiction of the Court in the Case.

*1 The Libel against *Laud* was to this Effect: *Laud, look to thy self, be assured thy Life is sought: As thou art the Fountain of Wickedness, repent of thy monstrous Sins before thou be taken out of the World; and assure thy self neither God nor the World can endure such a vile Counsellor or Whisperer to live. The other was as bad against the Lord Treasurer Weston.* Rush. l. p. 662.

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' for the Satisfaction of the Mind, and Affections of
 ' our loving Subjects, we have thought good to set
 ' down thus much by way of Declaration, that we
 ' may appear to the World in the Truth and Sincerity
 ' of our Actions, and not in those Colours in
 ' which we know some turbulent and ill-affected Spirits
 ' (to masquerade and disguise their wicked Intentions,
 ' dangerous to the State) would represent us to the
 ' publick view,

' We assembled our Parliament the 17th Day of
 ' March, in the Third Year of our Reign, for the
 ' Safety of Religion, for securing our Kingdoms
 ' and Subjects at home, and our Friends and Allies
 ' abroad. And therefore at the first sitting down
 ' of it, we declared the miserable afflicted Estate of
 ' those of the Reformed Religion in *Germany, France,*
 ' and other Parts of *Christendom*; the distressed Extre-
 ' mities of our dearest Uncle, the King of *Den-*
 ' *mark*, chased out of a great Part of his Dominions;
 ' the strength of that Party which was united a-
 ' gainst us; That (besides the Pope and the House
 ' of *Austria*, and their antient Confederates) the
 ' *French* King professed the rooting out of the Pro-
 ' testant Religion; That of the Princes and States
 ' on our Party, some were over-run, others diverted,
 ' and some disabled to give Assistance. For which
 ' and other important Motives, We propounded a
 ' speedy Supply of Treasure, answerable to the Ne-
 ' cessity of the Cause.

' These Things in the Beginning were well resent-
 ' ed by the House of Commons, and with so much
 ' Alacrity and Readiness, that they agreed to grant a
 ' liberal Aid: But before it was brought to any Per-
 ' fection they were diverted by a Multitude of
 ' Questions raised amongst them, touching their Li-
 ' berties and Privileges, and by other long Disputes,
 ' so that the Bill did not pass in a long Time; and by
 ' that Delay, our Affairs were put into a far worse
 ' Case than at the first; our foreign Actions then in
 ' Hand,

Hand being thereby disgraced and ruined for want
of timely help.

In this, as we are not willing to derogate from the
Merit and good Intentions of those wise and mode-
rate Men of that House, (to whose Forwardness
we attribute it; that it was propounded and resol-
ved so soon) so we must needs say, that the Delay
of passing it when it was resolved, occasioned by
causeless Jealousies, stirred up by Men of another
Temper, did much lessen both the Reputation and
Reality of that Supply. And their Spirit, infused
into many of the Commissioners and Assessors in
the Country, hath returned up the Subsidies in such
a scanty Proportion, as is infinitely short, not only
of our great Occasions, but of the Presidents of
former Subsidies, and of the Intentions of all well-
affected Men in that House.

In those large Disputes, as we permitted many
of our high Prerogatives to be debated, which in
the best Times of our Predecessors had never been
questioned, without Punishment or sharp Reproof;
so we did endeavour to have shortened those De-
bates, for winning of Time, which would have
much advantaged our great Affairs, both at Home
and Abroad. And therefore both by Speeches and
Messages, we did often declare our gracious and
clear Resolution to maintain, not only the Parlia-
ment, but all our People, in their antient and just
Liberties, without either Violation or Diminution,
and in the End, for their full Satisfaction and Secu-
rity did by an Answer, framed in the Form by
themselves desired, to their Parliamentary Petition,
confirm their antient and just Liberties and Rights,
which we resolve with all Constancy and Justice to
maintain.

This Parliament, however besides the Settling
our necessary Supply, and their own Liberties,
they wasted much Time in such Proceedings, (blast-
ing our Government, as we are unwilling to re-
member) yet we suffered them to sit, untill them-

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 ' not naming either Adjournment or Prorogation.
 ' Whereupon by Advice of our Council, we re-
 ' solved to prorogue and make a Session; and to
 ' that end prefixed a Day, by which they might (as
 ' was meet in so long a Sitting) finish some profita-
 ' ble and good Laws; and withal gave Order for a
 ' gracious Pardon to all our Subjects; which accord-
 ' ing to the Use of former Parliaments, passed the
 ' Higher-House, and was sent down to the Commons.
 ' All which being graciously intended by us, was
 ' ill entertained by some disaffected Persons of that
 ' House, who by their Artifices, in a short time
 ' raised so much Heat and Distemper in the House
 ' for no other visible Cause, but because we had de-
 ' clared our Resolution to prorogue, as our Coun-
 ' cil advised, and not to adjourn, as some of that
 ' House (after our Resolution declared, and not be-
 ' fore) did manifest themselves to affect; that sel-
 ' dom hath greater Passion been seen in that House,
 ' upon the greatest Occasions. And some Glances
 ' in the House, but upon open Rumours Abroad
 ' were spread, That by the Answer to the Petition,
 ' we had given away, not only our Impositions upon
 ' Goods exported and imported, but the Tonnage
 ' and Poundage, (whereas in the Debate and Ham-
 ' mering of that Petition, there was no Speech or
 ' Mention in either House concerning these Imposi-
 ' tions, but concerning Taxes and other Charges
 ' within the Land; much less was there any thought
 ' thereby to debar us of Tonnage and Poundage,
 ' which both before and after the Answer to that
 ' Petition, the House of Commons in all their
 ' Speeches and Treaties, did profess they were wil-
 ' ling to grant.) And at the same time many other
 ' Misinterpretations were raised of that Petition and
 ' Answer, by Men not well distinguishing between
 ' well-ordered Liberty and Licentiousness; as
 ' if by our Answer to that Petition, we had let
 ' loose the Reins of our Government. And in this
 ' Distemper

• Distemper the House of Commons, laying aside
 • the Pardon (a thing never done in any former Par-
 • liament) and other Business, fit to have been con-
 • cluded in that Session, some of them went about
 • to frame and contrive a Remonstrance against our
 • receiving of Tonnage and Poundage, which was
 • so far proceeded in, the Night before the prefixed
 • Time, for concluding the Session, and so hastened
 • by the Contrivers thereof, that they meant to have
 • put it to the Vote of the House the next Morning,
 • before we should prorogue that Session. And
 • therefore finding our gracious Favours in the Ses-
 • sion, afforded to our People, so ill requited, and
 • such sinister Strains made upon our Answer to that
 • Petition, to the Diminution of our Profit, and
 • (which was more) to the Danger of our Govern-
 • ment: We resolved to prevent the finishing of that
 • Remonstrance, and other dangerous Intentions of
 • some ill-affected Persons, by ending the Session the
 • next Morning, some few Hours sooner than was
 • expected; and by our own Mouth to declare to
 • both Houses the Cause thereof; and for hindering
 • the Spreading of those sinister Interpretations of
 • that Petition and Answer, to give some necessary
 • Directions, for settling and quieting our Govern-
 • ment, until another Meeting; which we perform-
 • ed accordingly the Six and Twentieth Day of
 • June last.

• The Session thus ended, and the Parliament risen,
 • that intended Remonstrance gave us occasion to
 • look into the Business of *Tonnage* and *Poundage*.
 • And therefore, though our Necessities pleaded
 • strongly for us, yet we were not apt to strain that
 • Point too far, but resolved to guide our Self by
 • the Practice of former Ages, and Examples of our
 • most noble Predecessors, thinking those Counsels
 • best warranted, which the Wisdom of former A-
 • ges, concurring with the present Occasions, did
 • approve; and therefore gave order for a diligent
 • Search of Records: Upon which it was found;

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That although in the Parliament holden in the first Year of the Reign of King *Edward* the Fourth, the Subsidy of Tonnage and Poundage was not granted to that King, but was first granted unto him by Parliament in the third Year of his Reign; yet the same was accounted and answered to that King, from the first Day of his Reign, all the first and second Years of his Reign, and until it was granted by Parliament. And that in the succeeding Times of King *Richard* the Third, King *Henry* the Seventh, King *Henry* the Eighth, King *Edward* the Sixth, Queen *Mary* and Queen *Elizabeth*, the Subsidy of Tonnage and Poundage was not only enjoyed by every of those Kings and Queens, from the Death of each of them deceasing, until it was granted by Parliament unto the Successor; but in all these Times, (being for the most part peaceable, and not burdened with like Charges and Necessities, as these modern Times,) the Parliament did most readily and chearfully, in the Beginning of every of those Reigns, grant the same, as a Thing most necessary for the Guarding of the Seas, Safety and Defence of the Realm, and Supportation of the Royal Dignity. And in the Time of our Royal Father of blessed Memory, he enjoyed the same a full Year, wanting very few Days, before his Parliament began; and above a Year before the Act of Parliament for the Grant of it was passed. And yet when the Parliament was assembled, it was granted without Difficulty. And in our Time, we quietly received the same three Years and more, expecting with Patience in several Parliaments the like Grant thereof, as had been made to so many of our Predecessors; the House of Commons still professing, That Multitude of other Businesses, and not want of Willingness on their part, had caused the Settling thereof to be so long deferred. And therefore finding so much Reason and Necessity for the receiving of the ordinary Duties in the

and Custom-House, to concur with the Practice of
 such a Succession of Kings and Queens, famous
 for Wisdom, Justice and Government, and no-
 thing to the contrary, but that intended Remon-
 strance, hatched out of the passionate Brains of a
 few particular Persons; we thought it was so far
 from the Wisdom and Duty of a House of Parlia-
 ment, as we could not think that any moderate
 and discreet Man, (upon composed Thoughts,
 setting aside Passion and Distemper,) could be a-
 gainst receiving of Tonnage and Poundage; espe-
 cially since we do, and still must pursue those
 Ends, and undergo that Charge for which it was
 first granted to the Crown; it having been so long
 and constantly continued to our Predecessors, as
 that in four several Acts of Parliament, for the
 granting thereof to King *Edward the Sixth*, Queen
Mary, Queen *Elizabeth*, and our blessed *Father*.
 It is in expresse Terms mentioned, to have been
 had and enjoyed by the several Kings, named in
 those Acts, time out of Mind, by Authority of
 Parliament. And therefore upon these Reasons
 we held it agreeable to our kingly Honour, and
 necessary for the Safety and Good of our King-
 dom, to continue the Receipt thereof, as so many
 of our Predecessors had done. Wherefore when
 a few Merchants (being at first but one or two)
 fomented, as it is well known, by those evil Spirits,
 that would have hatched that undutiful Remon-
 strance, began to oppose the Payment of our ac-
 customed Duties in the Custom-House, We gave
 Order to the Officers of our Customs to go on,
 notwithstanding that Opposition, in the receiving
 of the usual Duties; and caused those that refused
 to be warned to attend at the Council-board, that
 by the Wisdom and Authority of our Council,
 they might be reduced to Obedience and Duty;
 where some of them, without Reverence or Respect
 to the Honour and Dignity of that Presence, be-
 haved themselves with such Boldness and Insolency

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‘ of Speech, as was not to be endured by a far
 ‘ meaner Assembly, much less to be countenanced by
 ‘ a House of Parliament, against the Body of our
 ‘ Privy-Council.

‘ And as in this we did, what in Reason and Ho-
 ‘ nour was fit for the present, so our Thoughts were
 ‘ daily intentive upon the Re-assembling of our Par-
 ‘ liament, with full Intention on our Part, to take
 ‘ away all Ill-understanding between us, and our
 ‘ People; whose Loves, as we desire to continue
 ‘ and preserve, so we used our best Endeavours to
 ‘ prepare and facilitate the Way to it. And to this
 ‘ end, having taken a strict and exact Survey of our
 ‘ Government, both in the Church and Common-
 ‘ wealth, and what Things were most fit and neces-
 ‘ sary to be reformed: We found in the first Place,
 ‘ that much Exception had been taken at a Book,
 ‘ entitled, *Appello Casarem*, or, *An Appeal to Caesar*;
 ‘ and published in the Year 1625, by *Richard Man-*
 ‘ *tague*, then Batchelor of Divinity, and now Bishop
 ‘ of *Chichester*; and because it did open the Way to
 ‘ those Schisms and Divisions, which have since en-
 ‘ sued in the Church, we did for Remedy and Redress
 ‘ thereof, and for the Satisfaction of the Consciences
 ‘ of our good People, not only by our publick Pro-
 ‘ clamation, call in that Book, which ministred
 ‘ Matter of Offence; but to prevent the like Dan-
 ‘ ger for hereafter, re-printed the Articles of Re-
 ‘ ligious, established in the Time of Queen *Elizabeth*
 ‘ of famous Memory; and by a Declaration before
 ‘ those Articles, we did tie and restrain all Opinions
 ‘ to the Sense of those Articles, that nothing might
 ‘ be left for private Fancies and Innovations. For
 ‘ we call God to record, before whom we stand,
 ‘ that it is, and always hath been our Hearts de-
 ‘ sire, to be found worthy of that Title, which we
 ‘ account the most glorious in all our Crown, *De-*
 ‘ *fender of the Faith*. Neither shall we ever give
 ‘ way to the authorising of any Thing, whereby
 ‘ any *Innovation* may steal or creep into the Church;
 ‘ but

‘ but to preserve that Unity of Doctrine and Discipline established in the Time of Queen *Elizabeth*, whereby the Church of *England* hath stood and flourished ever since.

‘ And as we were careful to make up all-Breaches and Rents in Religion at Home, so did we by our Proclamation and Commandment, for the Execution of Laws against Priests and Popish Recusants, fortify all Ways and approaches against that foreign Enemy ; which if it hath not succeeded according to our Intention, we must lay the Fault where it is, in the subordinate Officers and Ministers in the Country, by whose Remissness, Jesuits and Priests escape without Apprehension ; and Recusants, from those Convictions and Penalties which the Law and our Commandment would have inflicted on them. For we do profess, That as it is our Duty, so shall it be our Care to command and direct well ; but it is the Part of others to perform the ministerial Office. And when we have done our Office, we shall account our Self, and all charitable Men will account us Innocent, both to God and Men. And those that are negligent, we will esteem as culpable both to God and us ; and therefore will expect that hereafter they give us a better Account.

‘ And as we have been careful for the settling of Religion, and quieting the Church ; so were we not unmindful of the Preservation of the just and antient Liberties of our Subjects, which we secured to them by our gracious Answer to the Petition in Parliament, having not since that Time done any Act whereby to infringe them. But our Care is, and hereafter shall be, to keep them intire and inviolable, as we would do our own Right and Sovereignty, having for that purpose enrolled the Petition and Answer in our Courts of Justice.

‘ Next to the Care of Religion, and of our Subjects Rights, we did our best for the Provident and Well-ordering of that Aid and Supply, which

have since the sitting down of the Parliament, received few Complaints, and those such as they themselves have not thought to be of that Moment or Importance, with which our Ears should be acquainted.

No sooner therefore was the Parliament sat down, but these ill-affected Men began to sow and disperse their Jealousies, by casting out some Glances and doubtful Speeches, as if the Subject had not been so clearly and well dealt with, touching their Liberties, and touching the Petition answered the last Parliament. This being a plausible Theme, thought on for an ill purpose, easily took hold on the Minds of many, that knew not the Practice. And thereupon the second Day of the Parliament, a Committee was appointed to search, whether the Petition and our Answer thereunto were enrolled in the Parliament-Roll, and in the Courts of *Westminster*, and in what manner the same was done. And a Day also was then appointed, on which, the House being resolved into a Committee, should take into Consideration those Things, wherein the Liberty of the Subject hath been invaded against the Petition of Right. This, though it produced no other Effect of Moment or Importance, yet was sufficient to raise a Jealousy against our Proceedings, in such as were not well-acquainted with the Sincerity and Clearness of them. There followed another of no less skill; for although our Proceeding before the Parliament, about Matters of Religion, might have satisfied any moderate Men, of our zealous Care thereof, (as we are sure it did the most) yet, as bad Stomachs turn the best Things into their own Nature, for want of good Digestion; so these distempered Persons have done the like of our good Intent, by a bad and sinister Interpretation: For, when they did observe that many honest and religious Minds in that House did complain of those Dangers that did threaten the Church; they likewise took the same

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' Word in their Mouth, and their Cry likewise was,
 ' *Templum Domini, Templum Domini*, when the true
 ' Care of the Church never came into their Hearts :
 ' And what the one did out of Zeal unto Religion,
 ' the other took up as a plausible Theme, to deprave
 ' our Government, as if we, our Clergy and Coun-
 ' cil, were either senseless or careless of Religion.
 ' And this wicked Practice hath been, to make us
 ' seem to walk before our People, as if we halted
 ' before God.

' Having, by these Artifices, made a jealous Im-
 ' pression in the Hearts of many ; and a Day being
 ' appointed to treat of the Grant of Tonnage and
 ' Poundage, at the Time perfixed, all express great
 ' Willingness to grant it. But a new Strain is found
 ' out, that it could not be done without great Peril
 ' to the Right of the Subject, unless we should dis-
 ' claim any Right therein, but by Grant in Parlia-
 ' ment ; and should cause all those Goods to be re-
 ' stored, which, upon Commandment from us, or
 ' our Council, were stayed by our Officers until
 ' those Duties were paid, and consequently should
 ' put our selves out of the Possession of the Tonnage
 ' and Poundage, before they were granted ; or else,
 ' it was pretended, [the Subject stood not in fit Case
 ' to grant it. A Fancy and Cavil raised of purpose
 ' to trouble the Business ; it being evident, that all
 ' the Kings before named did receive that Duty, and
 ' were in actual Possession of it, before, and at the
 ' very Time when it was granted to them by Parlia-
 ' men. And although we, to remove all Difficul-
 ' ties, did from our own Mouth, in those clear and
 ' open Terms, that might have satisfied any mode-
 ' rate and well-disposed Minds, declare, That it was
 ' our Meaning, by the Gift of our People, to enjoy
 ' it ; and that we did not challenge it of Right, but
 ' took it *de bene esse*, shewing thereby, not the Right,
 ' but the Necessity by which we were to take it,
 ' (wherein we descended, for their Satisfaction, so far
 ' beneath our Self, as we are confident never any of
 ' our

‘ our Predecessors did the like, nor was the like
‘ ever required or expected from them.) Yet for all
‘ this, the Bill of Tonnage and Poundage was laid
‘ aside, upon pretence they must first clear the Right
‘ of the Subject therein; under colour thereof, they
‘ entertain the Complaints, not only of *John Rolles*,
‘ a Member of their House, but also of *Richard*
‘ *Chambers*, *John Fowks*, and *Baribolomew Gilman*,
‘ against the Officers of our Customs, for detaining
‘ their Goods, upon refusal to pay the ordinary Duty,
‘ accustomed to be paid for the same. And upon
‘ these Complaints, they send for the Officers of the
‘ Customs, enforcing them to attend Day after Day,
‘ by the Space of a Month together; they cause
‘ them to produce their Letters-Patent under our
‘ Great-Seal, and the Warrants made by our Privy-
‘ Council, for levying of those Duties. They examine
‘ the Officers upon what Questions they please,
‘ thereby to entrap them for doing our Service and
‘ Commandment. In these and other their Pro-
‘ ceedings, because we would not give the least Shew
‘ of Interruption, we endured long with much Pa-
‘ tience, both these and sundry other strange and
‘ exorbitant Incroachments and Usurpations, such
‘ as were never before attempted in that House.

‘ We are not ignorant how much that House hath
‘ of late Years endeavoured to extend their Privi-
‘ leges, by setting up general Committees for Reli-
‘ gion, for Courts of Justice, for Trade, and the
‘ like; a Course never heard of until of late: So
‘ as, where in former Times the Knights and Bur-
‘ gesses were wont to communicate to the House
‘ such Business as they brought from their Countries;
‘ now there are so many Chairs erected, to make
‘ Enquiry upon all sorts of Men, where Complaints
‘ of all sorts are entertained, to the unsufferable Dis-
‘ turbance and Scandal of Justice and Government,
‘ which having been tolerated a while by our Father
‘ and our Self, hath daily grown to more and more
‘ height; insomuch that young Lawyers sitting there,
‘ take

take upon them to decry the Opinions of the Judges; and some have not doubted to maintain, That the Resolutions of that House must bind the Judges, a Thing never heard of in Ages past. But, in this last Assembly of Parliament, they have taken on them much more than ever before.

They sent Messengers to examine our Attorney-General, (who is an Officer of Trust and Secrecy) touching the Execution of some Commandments of ours, of which, without our Leave first obtained, he was not to give Account to any but our Self. They sent a captious and directory Message to the Lord-Treasurer, Chancellor, and Barons of the Exchequer, touching some judicial Proceedings of theirs in our Court of Exchequer.

They sent Messengers to examine, upon sundry Questions, our two Chief-Justices, and three other of our Judges, touching their judicial Proceedings at the Goal-Delivery at *Newgate*, of which they are not accountable to the House of Commons.

And whereas Suits were commenced in our Court of Star-Chamber, against *Richard Chambers*, *John Fowks*, *Bartholomew Gilman*, and *Richard Philips*, by our Attorney-General, for great Misdemeanours; they resolved, that they were to have Privilege of Parliament against us for their Persons, for no other Cause, but because they had Petitions depending in that House; and (which is more strange) they resolved that a Signification should be made from that House by a Letter, to issue under the Hand of their Speaker, unto the Lord-Keeper of our Great-Seal, that no Attachments should be granted out against the said *Chambers*, *Fowks*, *Gilman*, or *Philips*, during their said Privilege of Parliament. Whereas it is far above the Power of that House, to give Directions to any of our Courts at *Westminster*, to stop Attachments against any Man, though never so strongly privileged; the Breach of Privilege being not in the Court that grants, but in the Party or Minister

Minister that puts in Execution such Attachments. And therefore, if any such Letter had come to the Lord-Keeper, as it did not, he should have highly offended us if he had obeyed it. Nay, they went so far, as they spared not the Honour of our Council-board, but examined their Proceedings in the Case of our Customers, interrogating what this or that Man of our Council said, in Direction of them in the Business committed to their Charge. And when one of the Members of that House, speaking of our Counsellors, said, We had wicked Counsel; and another said, That the Council and Judges sought to trample under Feet the Liberty of the Subject; and a Third traduced our Court of Star-Chamber, for the Sentence given against *Savage*, they passed without Check, or Censure by the House. By which may appear, how far the Members of that House have of late swollen beyond the Rules of Moderation, and the Modesty of former Times; and thus under pretence of Privilege and Freedom of Speech, whereby they take Liberty to declare against all Authority of Council and Courts at their Pleasure.

They sent for our Sheriff of *London*, to examine him in a Cause whereof they had no Jurisdiction; their true and antient Jurisdiction extending only to their own Members, and to the Conservation of their Privileges, and not to Censure of foreign Persons and Causes, which have no Relation to their Privileges, the same being but a late Innovation. And yet upon an enforced Strain of a Contempt for not answering to their Satisfaction, they commit him to the *Tower of London*, using that outward Pretext for a Cause of committing him, the true and inward Cause being, for that he had shewed himself dutiful to us and our Commandments, in the Matter concerning our Customs.

‘ In these Innovations (which we will never permit again) they pretended indeed our Service; but their Drift was, to break, by this Means, through all Respects and Ligaments of Government, and to erect an universal over-swaying Power to themselves, which belongs only to us, and not to them.

‘ Lastly, In their Proceedings against our Customers, they went about to censure them as Delinquents, and to punish them, for staying some Goods of some factious Merchants, in our Store-house, for not paying those Duties which themselves had formerly paid, and which the Customers, without Interruption, had received of all other Merchants, many Years before, and to which they were authorized, both by our Great-Seal, and by several Directions and Commandments from us and our Privy-Council.

‘ To give some Colour to their Proceedings herein, they went about to create a new Privilege, (which we will never admit) That a Parliament-man hath Privilege for his Goods against the King; the Consequence whereof would be, That he may not be constrained to pay any Duties to the King, during the Time of Privilege of Parliament. It is true, they would have this Case to be between the Merchants, and our Farmers of our Customs, and have severed them from our Interest and Commandment, thereby the rather to make them liable to the Censure and Punishment of that House. But on the other Side, we holding it both unjust and dishonourable, to withdraw our Self from our Officers, in any Thing they did by our Commandment, or to disavow any Thing that we had enjoined to be done; upon *Monday* the 23d Day of *February*, sent a Message unto them by Secretary *Coke*, thanking them for the Respect they had shewed, in severing the Interest of our Farmers from our own Interest and Commandments. Nevertheless, we were bound in Honour to acknowledge a Truth, that, what

‘ was

‘ was done by them, was done by our exprefs Commandment and Direction ; and if for doing thereof our Farmers ſhould ſuffer, It would highly concern us in Honour. Which Message was no ſooner delivered unto them, but in a tumultuous and discontented manner they called, *Adjourn, Adjourn* ; and thereupon, without any Cauſe given on our Part, in a very unſual Manner, adjourned until the *Wednesday* following.

‘ On which Day, by the uniform Wiſdom of our Privy-Council, we cauſed both Houſes to be adjourned until the Second Day of *March* ; hoping that in the mean Time, a better and more right Underſtanding might be begotten between us and the Members of that Houſe, whereby the Parliament might come to an happy Iſſue.

‘ But underſtanding by good Adverſement, that their Diſcontent did not in that Time digeſt and paſs away ; we reſolved to make a ſecond Adjournment until the Tenth of *March* ; which was done, as well to take Time to our Self, to think of ſome Means to accommodate thoſe Difficulties, as to give them Time to adviſe better ; and accordingly, we gave Commandment for a ſecond Adjournment in both Houſes, and for Ceſſation of all Buſineſs till the Day appointed ; which was very dutifully obeyed in the Higher-Houſe, no Man contradicting or queſtioning it. But when the ſame Commandment was delivered in the Houſe of Commons by their Speaker, it was ſtraightways contradicted ; and although the Speaker declared unto them, it was an abſolute Right and Power in us to adjourn, as well as to prorogue or diſſolve ; and declared and read unto them divers Precedents of that Houſe, to warrant the ſame ; yet our Commandment was moſt contemptuouſly diſobeyed ; and ſome riſing up to ſpeak, ſaid, They had Buſineſs to do before the Houſe ſhould be adjourned.

Here the King inserted a long Account of what passed in the House, when the Speaker was kept by force in the Chair, whilst the Remonstrance was drawing up. This Account is much aggravated, being taken Word for Word from the Attorney-General's Information against Elliot. But it contains in Substance no more than what hath been said before upon that Matter.

‘ Whilst the Duke of Buckingham lived, he was
 ‘ entituled to all the Distempers and ill Events of
 ‘ former Parliaments ; and therefore much Endeavour
 ‘ was used to demolish him, as the only Wall
 ‘ of Separation between us and our People. But
 ‘ now he is dead, no Alteration was found amongst
 ‘ those envenomed Spirits, which troubled then the
 ‘ blessed Harmony between us and our Subjects, and
 ‘ continue still to trouble it. For now under the
 ‘ pretence of Publick Care of the Common-wealth,
 ‘ they suggest new and causeless Fears, which in
 ‘ their own Hearts they know to be false ; and devise
 ‘ new Engines of Mischief, so to cast a blindness
 ‘ upon the good Affections of our People, that
 ‘ they may not see the Truth and Largeness of our
 ‘ Heart then. So that now it is manifest, the Duke
 ‘ was not alone the Mark these Men shot at, but
 ‘ was only as a near Minister of ours, taken up, on
 ‘ the Bye, and in their Passage to their more secret
 ‘ Designs ; which were only to cast our Affairs into
 ‘ a desperate Condition, to abate the Powers of our
 ‘ Crown, and to bring our Government into obloquy,
 ‘ that in the End all Things may be overwhelmed
 ‘ with Anarchy and Confusion.

‘ We do not impute these Disasters to the whole
 ‘ House of Commons, knowing that there were amongst
 ‘ them many religious, grave, and well-minded Men ; but the sincerer and better part of
 ‘ the House was over-born, by the Practices and
 ‘ Clamours of the other, who careless of their Duties,
 ‘ and taking Advantage of the Times, and
 ‘ our Necessities, have enforced us to break off this
 ‘ Meeting ;

Meeting; which had it been answered with like Duty on their parts, as it was invited and begun with Love on ours, might have proved happy and glorious, both to us and this whole Nation.

We have thus declared the manifold Causes we had to dissolve this Parliament, whereby all the World may see how much they have forgotten their former Engagements at the Entry into the War, themselves being Persuaders to it; promising to make us feared by our Enemies, and esteemed by our Friends. And how they turned the Necessities grown by that War, to enforce us to yield to Conditions incompatible with Monarchy.

And now that our People may discern that these Provocations of evil Men (whose Punishments we reserve to a due Time) have not changed our good Intentions to our Subjects, we do here profess to maintain the true Religion and Doctrine established in the Church of *England*, without admitting, or conniving at, any Back-sliding, either to Popery or Schism. We do also declare, That we will maintain the antient and just Rights and Liberties of our Subjects, with so much Constancy and Justice, that they shall have cause to acknowledge, That under our Government and gracious Protection, they live in a more happy and free Estate than any Subjects in the Christian World. Yet let no Man hereby take the Boldness to abuse that Liberty, turning it to Licentiousness, nor misinterpret the Petition, by perverting it to a lawless Liberty, wantonly or frowardly, under that or any other Colour, to resist lawful and necessary Authority. For as we will maintain our Subjects in their just Liberties, so we do and will expect, that they yield as much Submission and Duty to our Royal Prerogatives, and as ready Obedience to our Authority and Commandments, as hath been performed to the greatest of our Predecessors.

1629.

‘ And for our Ministers, we will not that they be terrified by those harsh Proceedings, that have been strained against some of them. For as we will not command any Thing unjust or dishonourable, but shall use our Authority and Prerogatives for the Good of our People ; so we will expect, that our Ministers obey us, and they shall assure themselves we will protect them.

‘ As for our Merchants, we let them know, we shall always endeavour to cherish and enlarge the Trade of such as be dutiful, without burthening them beyond what is fitting : But the Duty of Five in the Hundred, for Guarding of the Seas, and Defence of the Realm, to which we hold our selves still obliged, (and which Duty hath continued without Interruption so many Successions of Ages) we hold no good or dutiful Subject will deny it, being so necessary for the Good of the whole Kingdom. And if any factious Merchant will affront us, in a Thing so reasonable, and wherein we require no more, nor in no other manner, than so many of our Predecessors have done, and have been dutifully obeyed : Let them not deceive themselves, but be assured, that we shall find honourable and just Means to support our Estate, vindicate our Sovereignty, and preserve the Authority which God hath put into our Hands.

‘ And now having laid down the Truth and Clearness of our Proceedings, all wise and discreet Men may easily judge of those Rumours, and jealous Fears, that are maliciously and wickedly bruited Abroad, and may discern by Examination of their own Hearts, whether (in respect of the free Passage of the Gospel, indifferent and equal Administration of Justice, freedom from Oppression, and the great Peace and Quietness which every Man enjoyeth under his own Vine and Fig-tree) the Happiness of this Nation can be paralleled by any of our Neighbour-Countries ; and if not, then to acknowledge their own Blessedness, and for the

‘ same

' same be thankful to God, the Author of all Good-
' nefs. ' 1629.

This Declaration or rather Apology, had not the Effect the King expected. It was hardly possible for the King to make the People believe that a Dozen Members of Parliament had formed a Project to subvert the Government, to introduce Anarchy, to usurp the Royal Authority, without its appearing that themselves or others were to reap the least Benefit from it. It would have been still more strange, that granting the King to be so just a Prince, and so tender of his People as he would have been thought, these Men should have had Credit enough to bring over the Majority of the *Commons* to their Sentiments. On the other Hand, the King defended himself but poorly in his Declaration, on some Heads, as those of *Recusants*, *Tonnage* and *Poundage*, and in general, on the Causes of the Dissolution of the Parliament. For when he greatly aggravated the *Commons* Fault in not obeying the Adjournment immediately; he not only supposed his Power incontestable, though it was not so, but also said not one Word of the immediate Cause of their Non-compliance. And that was the *Speaker's* refusing, by his express Command, to put the Question, which was a manifest Breach of the Freedom of Parliament. Complaints therefore and Clamours continued more than ever, notwithstanding this Apology. It was publicly said, That it was the King's Intention utterly to destroy the Privileges of Parliament, and the Liberties of the People; and what was done afterwards against the imprisoned Members, helped, not to undeceive the Nation. It was added, that Trade was ruined, and Religion in danger, and that the Kingdom was going to fall into Slavery, if a new Parliament did not apply a Remedy to these Mischiefs. The King being informed of these Rumours, issued out a Proclamation to this Effect:

Remark on
this Decla-
ration.

1629.

*Proclamation
against false
Rumours
touching
Parliaments.
Roth.
Vol. II.
p. 3.*

THAT notwithstanding his Majesty's late Declaration for satisfying of the Minds and Affections of his loving Subjects, some ill-disposed Persons do spread false and pernicious Rumours Abroad, as if the scandalous and seditious Proposition in the House of Commons, tumultuously taken up by some few, after that by his Majesty's Royal Authority he had commanded their Adjournment, had been the Vote of the whole House, whereas the contrary is the Truth; which Proposition was a Thing of a most wicked and dangerous Consequence to the good Estate of this Kingdom, and it appeareth to be so by those Impressions which this false Rumour hath made in Men's Minds, whereby, out of causeless Fears, the Trade of the Kingdom is disturbed, and Merchants discouraged to continue their wonted Traffick. His Majesty hath thought it expedient, not only to manifest the Truth thereof, but to make known his Royal Pleasure; that those who raise or nourish false Reports, shall be severely punished; and such as chearfully go on with their Trades, have all good Encouragement, not purposing to over-charge his Subjects by any new Burthens; but to satisfy himself with those Duties that were received by the King his Father of blessed Memory, which his now Majesty neither can, nor will dispense withal. And *whereas* for several ill Ends, the Calling again of a Parliament is divulged; howsoever his Majesty hath shewed by his frequent Meeting with his People, his Love to the Use of Parliaments; yet the late Abuse having for the present driven his Majesty unwillingly out of that Course: He shall account it Presumption for any to prescribe any Time to his Majesty for Parliaments; the Calling Continuing, and Dissolving of which is always in the King's own Power. And his Majesty shall be more inclined to meet in Parliament again, when his People shall see more clearly into his Intents
' and

and Actions; when such as have bred this Interruption, shall receive their condign Punishment, and those, who are misled by them and such ill Reports as are raised upon this Occasion, shall come to a better Understanding of his Majesty and themselves.

1629.

About this time appeared a Writing, entitled, *A Writing Proposition for his Majesty's Service, to bridle the Impertinency of Parliaments.* It is very probable, if this Writing had been presented to the King, it would never have been made Publick. Accordingly it was afterwards declared in the *Star-Chamber* to be a seditious Libel. It serves however to show, that Abundance of People thought the King was taking Measures to shake off the Yoke of Parliaments, since he evidently put in practice some of the Maxims laid down in this Writing. There was also no Likelihood of his intending to call another Parliament, till he should have found Means of having the *Commons* more at Command, as he had plainly hinted in his last Proclamation.

A Writing published against the King.
Rush. I. Appendix, p. 12.

Rochel being taken, the King did not think proper to continue any longer a War with *France*, which could bring him no Advantage, nor serve him for Pretence to ask Money of the Parliament, since he was determined not to call one. As *France* had nothing to demand of him, but with regard to the Queen's Domesticks, which was not a sufficient Motive to carry on the War, a Peace was quickly concluded between the two Crowns, by the Mediation of the Republick of *Venice*. It was signed the 24th of *April*, about a Month after the Dissolution of the Parliament. *France* had so little at Heart what had passed concerning the Queen's Domesticks, that they were satisfied with causing this Article to be inserted in the Treaty of Peace: *The Articles and Contract of the Marriage of the Queen of Great-Britain are to be confirmed faithfully. And as for the said Queen's Household, if there be any Thing to be added or diminished, it*

The King makes a Peace with France.
Rush. Vol. II. p. 24.

1629. *shall be done by a mutual Consent freely and willingly, as it may be judged fit and convenient for the Service of the said Queen.* This Peace was sworn in the Month of September following.

*Remark on
the Riches
of the
Kings of
England.*

The King had now freed himself from the Yoke of the Parliament, and intended not to submit to it again. But withal, he had barred himself of the Supplies of Money which the Parliaments were wont to grant to the Kings, not only on urgent and extraordinary Occasions, but also as Marks of Affection and Zeal, when the People were pleased with the Government. One may venture to say, that no Prince in *Europe* equals in Riches a King of *England*, who knows how to make himself beloved by his Subjects. Not only his ordinary Revenues are more than sufficient to enable him to keep a splendid and magnificent Court, provided they are managed with never so little Care: But it is properly the Sovereign alone who has never any Occasion to heap up Money against what may happen. He finds at all times in his Subjects Purfes, and by their free Gift, whatever is necessary to support the Honour and Glory of his State. There is no Potentate in *Europe* that can, like him, be sure of never wanting Money. But what must he do to gain the Love of his People? Why, a Thing the most practicable and easy, the most just, the most adapted to the Welfare of his Kingdom, and to his own Interest. In a Word, he must observe the Laws which himself and Predecessors have consented to, and which were deemed necessary for King and People. The Pride therefore and insatiable Avarice of Favourites and Ministers are the only Things that make him lose sometimes the Advantages he may naturally draw from the Constitution of the Government. These Men, impatient of seeing any Bounds set to their unlawful Ambition of governing with an absolute Sway, seek all possible means to intill into their Master a Desire to set himself above the Laws, and to become like other Princes.

ces. That is, they do all that lies in their Power to change the King's true and solid Happiness into real Misery. For supposing a King of *England* should render himself absolute, he would never be able by Oppression and Violence to get from his People what he may draw from them with their Consent, by submitting to the Laws and Constitution of the Government. We have seen in the two late Reigns of *William III*, and *Queen Ann*, and we daily see in that of the Prince now on the Throne, such undeniable Proofs of what I am saying, that I think it needless to add any Thing farther. I shall only observe, that the Kings of *England* who were most famous and most esteemed, as *Edward I*, *Edward III*, *Henry V*, *Henry VIII*, and *Elizabeth*, constantly followed the same Maxim, and found such Benefit by it, that they made their Reigns Prosperous and Happy. Whereas *James I*, *Charles I*, *Charles II*, and *James II*, who took the contrary Course, became miserable, and did nothing either for their own or the Nation's Glory.

Charles I, just as the King his Father, was very fond of Arbitrary Power, and had no Favourites or Ministers, but what were of the same Principles. His Privy-Council set up by degrees for an absolute Court, which did not look upon itself as obliged to be subject to the Law. The *Star-Chamber* was another Court, the most Rigorous that ever was, the Severity whereof fell chiefly upon those who pretended to dispute the Prerogative-Royal. The *High-Commission* was perfectly of a Piece with the Council and *Star-Chamber*, and under Colour of putting a Stop to *Schism*, oppressed, as *Puritans*, those that refused to submit to a despotick Power. In short, the Judges of the Realm being all chosen by the Court, and devoted to the King, omitted no Opportunity to support the Prerogative-Royal, and raise it as high as the King desired. The Parliament only could cure these Disorders; but the King was determined to call no more, the Maxims of the Parliament being diametrically opposite to his. He thought the Parliament

*Causes of
the People's
Discon-
tents.*

1629. had very much incroached upon the Prerogative-Royal, in the foregoing Reigns, and the Parliament could not help dreading the Consequences of the general Maxim, which the King was endeavouring to introduce into the Government; and the rather as they saw plainly these Consequences were not bare Speculations, but were put in Practice. This Apprehension induced them to deny the King some Things which former Parliaments had readily granted to his Predecessors, because they were free from any such Fears. But as the Nation in general was more inclined to be ruled by the Parliament, than by the Court, these Disputes bred in the Minds of the People a Distaste to the Court, the fatal Effects whereof fell but too heavily upon the King afterwards.

*Lessening
of the
King's Re-
venues.*

By the Dissolution of the late Parliament, and by his Resolution never to call another, which was known to every Body, the King had not only deprived himself of the extraordinary Supplies he might have expected from the *Commons*, but had also done himself great Prejudice with respect to his Treasure. The five *Subsidies* granted by the Parliament did not bring in, by a great deal, what he expected. As every Man's Quota towards a *Subsidy* is settled by Commissioners in each County, and by Assistants belonging to the Towns and Villages, in proportion to his Possessions; they all pleaded either Poverty, or Decay of Trade, or some such Excuse, to beat down the Tax. On the other Hand, the Commissioners and Assistants not being inclined to the Court, allowed very readily these Excuses, and appeared much more apt to favour their Countrymen than the King. This occasioned a great Diminution of the usual Value of the *Subsidies*. Moreover *Tonnage* and *Poundage* were hardly paid but by Force. There was continual Occasion to use Violence, to seize the Effects, and to imprison the Merchants, in order to oblige them to pay what the *House of Commons* had declared illegal. Besides, they practised a Thousand Artifices to defraud the King of a Right, which they thought

was

was unjustly laid upon them. To cure these Inconveniencies, the Council was forced to issue out very strict Orders, even to the empowering the Officers of the *Customs* to enter into any Ship, Vessel, or House, and to search in any Trunk or Chest, and break any Bulk whatsoever, in default of the payment of *Customs*. But besides that this had never been practised before, another Inconveniency arose from thence.

1629.
A very
strict Or-
der about
the Cust-
oms.
Rush.
Vol. II.
p. 8, 9.

These Officers, under Colour of Searching, used a great many Oppressions and Rogueries, which made People exclaim the more. In a Word, the King had not half the Profit from *Tonnage* and *Poundage* that he received before his falling out with the Parliament, and the People were much more dissatisfied than ever.

But to hinder their Discontent from breaking out at length into Rebellion, the Council gave strict Orders to have the *Militia* both *Horse* and *Foot*, compleated, armed, and instructed in the Exercise of Arms. By that they intended to frighten the People, and keep them in Awe, whilst on the other Hand, they amused them by issuing out Orders for the rigorous Execution of the Laws against *Recusants*. But these Orders must needs have been neglected, since the People's Complaints upon this Occasion never ceased during the whole Course of this Reign.

Another
concerning
the Militia.
Ibid.

Mean while, as the King wanted Money, and as it was easy to foresee, that his ordinary Revenues would not be sufficient to supply his Expences, the Ministers found no better way to increase the King's Revenue, than by granting *Monopolies*. That is to say, the King, by his *Letters-Patent*, formed *Companies*, to whom alone he gave the Privilege of selling certain Goods or Wares, and who were to pay him for it such a yearly Revenue. This was directly contrary to the Rights of the People, and very destructive to Trade: But in those Days, the Good of the Nation was what the Court had least in view. This Abuse went so far, that in a manner all Sorts of Commodities were monopolized, and the Sale thereof engrossed by some *Company*; even to old *Rags*. I shall not specify

Several
Monopolies
which
bring in
Money to
the King.

1629. cify these *Monopolies* here, because, besides that they were not all set on Foot at the same Time, I may perhaps have Occasion to speak of them elsewhere.

1630. After the King had undertaken the War with *France*, the *Spanish* War was no more talked of than if there had been no such Thing, though in all the Speeches to the foregoing Parliaments, and in all the Messages to the *Commons*, he had endeavoured to make believe how necessary this War was for the Welfare of all *Europe*, and especially of *England*. He had frequently hinted that *England* and *Ireland* were in so great Danger of being invaded by the *Spaniards*, that it was not possible to be too speedy in applying a Remedy to so urgent an Evil. And yet the *Spaniards* never made any Attempt that might confirm the Fears the King would have inspired the Parliament with. The King of *Spain*, contented with not being attacked, undertook nothing against *England*, well-knowing he was in no Danger from that Quarter. However, after the Peace between *France* and *England* was concluded, he thought proper to end the War with *England*, in which he met with no manner of Difficulty, *Charles* being by no means in Condition to carry it on. So a Peace between the two Crowns, after some Negotiations, was concluded in *November*, 1630.

Treaty about a Peace with Spain.

Conclusion of the Peace.

The King's Instructions to the Bishops against the Presbyterians. Rush. Vol. II. p. 30.

Presbyterianism had lately gained a great deal of Ground in *England*, in spite of the strong Opposition of the Bishops, and particularly *Laud* Bishop of *London*, sworn Enemy to the *Puritans*. This Prelate seldom let any Opportunity slip to show his Hatred to them, and such Opportunities offered pretty frequently. Besides that he was the King's most intimate Counsellor for *Ecclesiastical* Matters especially, he had almost the sole Direction of the *High-Commission*, after the Archbishop of *Canterbury* was excluded on account of *Sibthorp's* Sermon. He managed it so therefore, in order to prevent the growth of *Presbyterianism*, that the King sent certain Instructions to the two Archbishops, with a Command to impart them

them to the Bishops of their Provinces, that they might see to the Execution thereof. The chief End of these Instructions was to hinder any *Presbyterian* Minister from creeping into the Church of *England*, and to discover such as were careless Observers of the Rites prescribed by the *Canons*. *Laud* himself was the Author of these Instructions which were agreeable to some Considerations [for the better settling of the Church-Government] presented by him to the King some Time before. As the *Presbyterians* were not ignorant from whence the Evil sprang, they entertained an implacable Enmity against this Prelate, the Effects whereof they made him feel afterwards when they found an Opportunity.

This Year the King had the Satisfaction of having a Son called *Charles*, of whom the Queen was delivered on the 29th of May.

Birth of Prince Charles.

Gustavus Adolphus King of *Sweden*, had expressed a great desire to relieve *Germany*, oppressed by the Emperour; but his Wars with *Poland* had prevented him from putting his Design in Execution. Upon this Account the Kings of *France* and *England* joined together to procure a Peace between these two Crowns, in which they succeeded at last. The *French* King's Aim was to humble the *House of Austria* by this Diversion, and *Charles* hoped that by the King of *Sweden*'s help, he should be able to recover the *Palatinate* for his Brother-in-law. The Peace I have just mentioned, was no sooner concluded, but the King of *Sweden* prepared to enter *Germany* at the Head of a powerful Army. At the same Time he made a private Agreement with the King of *England*, whereby *Charles* engaged to furnish him with Six Thousand Men, in the Marquess of *Hamilton*'s Name, as if that Lord had raised these Troops at his own Charge. These sorts of Articles seldom deceive any Body: But however they give the Princes who use them, the Assurance to say it is done against their Consent. That I may not return to this Affair in another Place, I shall say here in two Words, *Charles* was *Gustavus*'s Cully. When

Negotiation with the King of Sweden.
Rush.
Vol. II.

P. 53.

The King lends him 6000 Men under the Command of the Marquess of Hamilton.

1630.

the Swede, after several Victories over the Imperialists, was in a Condition to assist, in his Turn, the King of Bohemia, he would have laid such hard Terms upon him, that the other could not think of accepting them. So Charles withdrew his Troops, which had done good Service in the War, and recalled Vane who was with the King of Sweden, in quality of Ambassador. Thus ended this sort of League, the Particulars whereof I think it needless to relate, since it begot no Alteration in the Affairs of this Reign.

A Com-
mission to
compound
with those
who had
neglected
to receive
Knight-
hood.
July 6.
Ruth.
Vol. II.
P. 70-

I return to domestick Matters. The King's ordinary Revenues not sufficing for his Expences, it was necessary to find Means to raise a further Supply. One of these means was to fall upon such as had neglected to come and receive the Order of *Knighthood* at the King's Coronation, though they had been summoned. It was an old Custom since the Conquests that such as had fifteen Pounds a Year in Land, were obliged to serve the King in his Wars, and that they who were not capable of serving, compounded with the King, who for a certain Sum released them from this Service. To this End, those who were worth fifteen Pounds a Year, were to be made *Knights*, that is, fit to serve the King. In process of Time, the Number of those who were to take the Order of *Knighthood* was limited to such as had Twenty Pounds a Year. What was at first but a bare Custom, was turned into a Law in the Reign of *Edward II.* and since that Time some of the following King's took Advantage of it, as may be seen in *Rymer's* Collection of the Publick Acts. But in general, though this Statute was not abolished, it had been long disused. *Charles I.* proceeding upon the Statute's being still in force, since it was never expressly repealed, had a Mind to make the most of it at his Coronation, and pretended to use great Condescension, in summoning to take *Knighthood* such only as had Forty Pounds a Year, though at that Time 40 Pounds were much less than Twenty Pounds in the Days of *Edward II.* He found but very few willing to obey these Sum-
mons,

mons, the use whereof was utterly forgotten. The King himself overlooked this Non-Compliance, without taking much notice of it, perhaps for fear it might be some Prejudice to him with Regard to the Supplies he was to ask of the Parliament. But after the Dissolution of the third Parliament, he did not think himself obliged to proceed with the same Reserve. He appointed therefore Commissioners to compound with those who had neglected to appear, as well for their Contempt, as for their being excused from receiving the Order of *Knighthood*. The Commissioners had this Instruction, *To take no less than after the rate of thrice, and half as much as the Pensions compounding were found rated in the Subsidy*. Multitudes being summoned upon this Occasion, the Composition brought the King in above a Hundred Thousand Pounds. This was looked upon afterwards as a grievous Oppression, and the Parliament repealed the *Statute* it was grounded upon.

I have already spoken of Bishop *Laud's* extraordinary Zeal for the Church of *England*. This Church, at the Reformation, thought fit to retain some *Ceremonies*, not as absolutely necessary, but rather as indifferent, and which consequently she believed it not proper to remove from the *Divine Service*. *Laud* was not only scrupulously wedded to these kind of *Ceremonies*, but also to every Thing that served to give a pompous Outside to Religion, and seemed more inclined to increase the Number than put down any of those that gave most Offence to the *Puritans*. He gave a Proof of this his Inclination, when he consecrated *St. Catharine-Creed-Church*, which had been lately repaired. On this Occasion he used some *Formalities* which he might have let alone, as being too near a-kin to what is practised in the *Church of Rome* on the like Occasions. The manner of *Consecration* was thus :

*Innovati-
ons in the
Divine
Service.*

1630-1.

Ceremonies observed by Bishop Laud, at the Consecration of St. Catharine Creed-Church. Rush. Vol. II. p. 77.

‘ **A**T the Bishop’s Approach to the West-door
 ‘ of the Church, some that were prepared for
 ‘ it, cryed with a loud Voice, *Open, open ye ever-*
 ‘ *lasting Doors, that the King of Glory may enter in!*
 ‘ And presently the Doors were opened : And the
 ‘ Bishop, with some Doctors, and many other prin-
 ‘ cipal Men went in, and immediately falling down
 ‘ upon his Knees, with his Eyes lifted up, and his
 ‘ Arms spread abroad, uttered these Words : *This*
 ‘ *Place is holy, the Ground is holy, In the Name of the*
 ‘ *Father, Son, and Holy Ghost, I pronounce it Holy.*

‘ Then he took up some of the Dust, and threw
 ‘ it up into the Air several Times, in his going up
 ‘ towards the Chancel ; when they approached near
 ‘ to the Rail and Communion-Table, the Bishop bowed
 ‘ towards it several Times, and returning, they went
 ‘ round the Church in Procession, saying the 100th
 ‘ Psalm ; after that the 19th Psalm, and then said a
 ‘ Form of Prayer, Lord Jesus Christ, &c. and con-
 ‘ cluding, *We consecrate this Church, and separate it*
 ‘ *unto thee, as holy Ground, not to be profaned any more*
 ‘ *to common use.*

‘ After this the Bishop being near the Communion-
 ‘ Table, and taking a written Book in his Hand, pro-
 ‘ nounced Curses upon those that should afterwards
 ‘ prophane that Holy Place, by Musters of Soldiers,
 ‘ or keeping prophane Law-Courts, or carrying Bur-
 ‘ dens through it, and at the end of every Curse, he
 ‘ bowed towards the East, and said, *Let all the People*
 ‘ *say, Amen.*

‘ When the Curses were ended, he pronounced a
 ‘ Number of Blessings upon all those that had any
 ‘ Hand in Framing and Building of that Sacred and
 ‘ Beautiful Church, and those that had given and
 ‘ should hereafter give any Chalice, Plate, Orna-
 ‘ ments, or Utensils ; and at the end of every Bless-
 ‘ ing, he bowed towards the East, saying, *Let all*
 ‘ *the People say, Amen.*

‘ After

‘ After this followed the *Sermon* ; which being ended, the Bishop consecrated and administred the *Sacrament* in manner following.

‘ As he approached the *Communion-Table*, he made many several lowly Bowings, and coming up to the Side of the Table where the *Bread* and *Wine* were covered, he bowed seven Times, and then after the reading of many Prayers, he came near the *Bread*, and gently lifted up the Corner of the Napkin wherein the *Bread* was laid, and when he beheld the *Bread*, he laid it down again, flew back a step or two, bowed three several Times towards it, then he drew near again, and opened the Napkin, and bowed as before.

‘ Then he laid his Hand on the *Cup*, which was full of *Wine*, with a Cover upon it, which he let go again, went back, and bowed thrice towards it, then he came near again, and lifting up the Cover of the *Cup* looked into it, and seeing the *Wine*, he let fall the Cover again, retired back and bowed as before ; then he received the *Sacrament*, and gave it to some principal Men ; after which many Prayers being said, the Solemnity of the Consecration ended.

If *Laud* had taken all these *Ceremonies*, as well in the Consecration of the Church, as the Administration of the *Sacrament*, from a *Ritual* of the Church of *England* made since the Reformation, there would have been nothing to object. But some Years after, the *House of Commons* accused him in form, of having exactly copied the *Roman-Pontifical*, which was found in his Study. He denied it, alledging two seemingly very frivolous Reasons. First, that the *Pontifical* prescribes *Ashes* to be thrown about by the Bishop who consecrates the Church, whereas he threw up *Dust* in the Air, which he found on the Ground*.

Secondly,

* *Laud* denied that he threw up either *Dust* or *Ashes*, But it was deposed by two Witnesses, *Rush* II. p. 79.

1639-1. Secondly, that, he observed a *Form* communicated to him by Bishop *Andrews*. But as there is so little Difference between *Dust* and *Ashes*, and as Bishop *Andrews's* *Form* agreed with that in the *Pontifical*, this Answer was not much approved. After all it cannot be denied, that it was a Piece of Affectation to use on this Occasion, both for consecrating the Church, and administering the Sacrament, a different *Form* from that of the Church of England, and to chuse one so very like the *Pontifical*. This afforded his Enemies a great Handle against him, who took Occasion from thence to charge him with having a Design to introduce *Popery*. But he little regarded what could be said against him: The King's Favour had raised him so high, that it was not in the Power of his Enemies to do him any hurt, but on the contrary, he had frequent Opportunities to be revenged of them. Whilst he was most exclaim'd against, three Doctors of Divinity in the University of Oxford, having preached against *Arminianism* were expelled the University, and some others who had undertaken to defend them, were turned out of their Offices. This was under Colour of not observing the King's Proclamation before spoken of, and no Body doubted but *Laud* was the Author of these violent Proceedings.

Three Doctors expelled Oxford for preaching against Arminianism.

Monopolies.

In the mean Time, the King's Ministers were very busy in finding out ways to bring Money into the Exchequer, and new Projects were every Day offered to them, of which they chose such as they thought proper. Among these Means *Monopolies* were at first most in vogue, as I said. In the Beginning of the Year 1632 the King by his Patent under the Great-Seal, incorporated the *Soap-Makers*. It is said this Patent alone

was

* *Laud* was now chosen Chancellor of Oxford. Mr *Thomas Ford* of *Maudlin-College*, Mr. *Giles Hodges* of *Exeter-College*, and Mr. *Giles Thorne* of *Balcol*, being summoned before the Vice-Chancellor, appealed from him to the Proctors: Mr. *Asherton Bruch* of *Krazen Nose*, and Mr. *John Doughty* of *Merton*, who received their Appeals, were turned out of their Offices, and *Ford*, *Hodges*, and *Thorne* expelled. The Cause was tried before the King at *Woodstock*. Ruth II. p. 110.

was worth to him Ten Thousand Pounds *. There was another Company settled for making of Cards, of whom the King bought them at Eighteen Shillings a Gross, and sealing them, sold them again. But I should be too tedious were I to give a particular Account of all the *Monopolies* made in this Reign by the King's Authority.

The *Monopolies* were not however the only Way made use of to raise Money. Several other Methods were practised. Shortly after, the King by Proclamation commanded all Lords, Gentlemen, Clergymen and others whose stay in *London* was not absolutely necessary, to go within forty Days and reside in their respective Countries, and at their Mansion-Houses. This Injunction seemed to be grounded upon the King's Desire to hinder the Nobility and Gentry from wasting their Estates by a needless Residence in *London*, where they were obliged to be at a great Expence. But it was perceived afterwards that the King had another End in it, when such were summoned before the *Star-Chamber* as had neglected to obey the Proclamation, and were condemned in grievous *Fines* to the King's Use. At the same time the King appointed Commissioners to punish those that, contrary to former Prohibitions, had enlarged the City of *London* by new Buildings. From all this the King drew very considerable Sums, the *Fines* in which the Offenders were condemned being all to his use. The *Star-Chamber* exercised great Rigour on these Occasions.

About the same time, the City of *London* was fined Fifteen Hundred Marks, because the Mayor and Aldermen had neglected to take Inquisition of the

Proclamation commanding all Lords and Gentlemen to reside upon their Estates.
Ruth.
Vol. II.
P. 246.

The City of London fined.
Ruth. II.
P. 145.

* By way of Advance, and Eight Pounds a Tun for all Soap hereafter boiled. Not long before was confirmed a Grant made by King *James* to incorporate the *Soap-Makers* into a Company. And there was a Contract between the King and the Master, &c. of this Company, whereby the said Company did covenant to pay into his Majesty's Exchequer, 1500 l. the first Year, 2500 l. the second, and then 3500 l. yearly. Ruth. II. p. 13.

1630-1. Death of one Doctor *Lamb*, who passed for a Conjuror, and of whom the Duke of *Buckingham* had made use, but for what purpose I know not. This Man being Eighty Years of Age, was pursued by the Mob from Street to Street, and died within a few Days, either of the Fatigue he had endured, or of the Bruises he had received.

Endea-
vours to
destroy Pu-
ritanism,
and Re-
marks
thereon.

I have already said, that *Presbyterianism* or *Puritanism*, as it was called then, daily gained Ground, notwithstanding the Endeavours used by the King, Bishops, *High-Commission*, *Star-Chamber*, and Courts of Justice to stop the Progress thereof. As these Endeavours consisted not in better informing the *Presbyterians*, but only in the excessive Severity used towards them, when their Zeal caused them to commit some Fault, they were the more exasperated against the Church of *England*, as they saw at the same time that the *Arminians* and *Papists* were left unmolested, or in case Orders were sometimes given against them, such Orders were never executed. This made them exclaim against the Bishops, and charge them with designing to introduce *Popery* and *Arminianism* into the Church. Unhappily, they imputed to the whole Church of *England*, the Violences which should have been ascribed to the Circumstances of the Times, and the particular Character of some Bishops, who having Credit at Court, intimated to the King, that nothing was more opposite to Regal Authority, than *Presbyterian Church-Government*. All those who were not submissive enough to the King were looked upon as *Puritans*, and frequently oppressed as such. So by a fatal Policy, Men well-affected to the Church of *England*, but Enemies to Arbitrary Power, were driven in spite of themselves, to side with the *Puritans*, in order to strengthen their Party, and enable them to oppose the Designs of the Court. I am persuaded that by this Conduct, *Puritanism* gained many Friends, which otherwise it would never have had. What makes me think so, is, that *Presbyterianism* never made so great a Progress as during the first Fifteen Years

Years of this Reign, though it had never been more persecuted. After all, this Management is not to be attributed to the Church of *England*. We do not find in her *Principles* or *Doctrines* any Thing repugnant to *Charity*, or tending to Violence; but it was wholly owing to the Character and Designs of the Court-Prelates, of the King's Ministers and Counsellors, who meant to carry the Royal Authority to the highest Degree. And they thought nothing would more conduce to that End, than the Humbling, or rather the utter Ruin of the *Puritans*; and by ill-luck they considered as such all those that opposed their Design, according to King *James's* Maxim. Hence it happened, that by confounding thus the *State-Puritans* with the *Church-Puritans*, they drove, as I may say, the First to side with the Last.

The Design of destroying *Presbyterianism* occasioned the having no manner of regard to the Scruples of tender Consciences in Matters of little Moment, which the Reformers had left in the Publick Worship, rather as indifferent, than as absolutely necessary. On the contrary, every Thing that gave most Offence to the *Presbyterians*, was not only industriously practised, but also made to be deemed necessary, and several new Things added which were apt to widen the Breach, and make an Union impracticable. Of this we shall have convincing Proofs hereafter. But before I leave this Subject, I cannot forbear relating a Fact which is a clear Evidence of what I have advanced.

There was in the City of *Salisbury* a Collegiate Church, called *St. Edmonds*, which with its Revenues, like the Rest of that kind, came by Act of Parliament into the Hands of *Henry VIII.* and remained in the Crown till the Reign of *James I.* who sold it to a private Person, and he to another, so that it passed successively through several Hands, till at length, the last Proprietor sold the Church to the Parishioners of *St. Edmonds*, who repaired it and made it the Parish-Church. The Windows, which had till then been pre-

Process against the Recorder of Salisbury.
Rush.
Vol. II.
P. 153.

1632. served, were painted after the old Fashion, and contained among other Things the History of the Creation, where the Painter had represented God the Father in the Form of an old Man, creating the World during the first six Days, but on the Seventh had painted him sitting, to denote the Day of Rest. The ignorant Painter had committed several Blunders, having given to one Day the Work which was done on another, and in expressing the Creation of the Sun and Moon, he had put in God's Hand a Pair of Compasses, as if he was going to measure them. *Henry Sherfield*, Recorder of *Salum*, and Parishioner of *St. Edmunds*, having called a *Vestry*, represented to the Parishioners, that these Pictures gave Offence, and were apt to lead the People to Superstition. That the Painter had committed several Errours, and besides, the Representation of God the Father in the Form of an old Man, offended the Eyes of good Christians. Whereupon the Assembly thought it would be proper to take down the Windows *, and put up others that were not painted in their room. Whereupon the Recorder sent for a Glazier, and showing him with his Stick the Glass which was to be changed, broke some of the Panes, as little caring to preserve them.

Upon this wicked Attempt, an Information was exhibited against *Sherfield* in the *Star-Chamber* by the Attorney-General, shewing that contrary to the *Cannons*, which forbid any private Person to alter or innovate any Thing in the Fabrick or Ornament of a Church, without special Licence from [his Majesty or] the Bishop of the *Diocese*, *Sherfield* being ill-affected to the Discipline of the Church of *England*, and the Government thereof by Bishops, did combine with some others of the same Opinion, and undertake by a bare Order of the *Vestry*, and in Contempt of the King, and the *Diocesan*, to break down the

* What Mr. *Sherfield* wanted to have altered, was only one Window, consisting but of four Lights, and not any of the fair Windows of the Church. *Rush. N. p. 154.*

the Windows of St. *Edmond's* Church, which contained excellent Pictures of the Creation, made Hundreds of Years since, and which were a great Ornament to the Church. That he committed this Outrage contrary to the Order of the Bishop, who by Letter had enjoined him to give over this Design. That by this ill Example, other wicked and schismatical Persons, ill-affected to the Government of the Church of *England* under his Majesty, might be encouraged to use the like violent Courses.

Sherfield answered, That the Church of St. *Edmond's* was a *Lay-Fee*, and had continued to be so ever since it fell to the Crown, and for that reason it was legally exempted from the Jurisdiction of the Bishop of the *Diocese*. That consequently those who had purchased the Church, had lawful Power to alter the Windows, as they had before made other Alterations, in the Steeple, Walls, Pulpit, and other Parts, without any Complaints from the Bishop. That after all he had only taken down some small Quarries of Glass to show the Glazier what was to be altered, and that the History of the Creation might still be plainly discovered. That the Painting was so far from being fine, that when it was done, it did not cost above forty Shillings. Then he set forth the gross Blunders of the Painter, and proved by Acts of Parliament made in the Reigns of *Edward VI* and *Elizabeth*, that all Pictures should be removed out of the Churches. Finally, he denied that he was ill-affected to the Government of the Church under Bishops, or had acted in Contempt of the King, or ever received a Letter from the Bishop of *Salisbury* concerning this Matter. Whereupon the Bishop of *London* said, That he did not pretend to justify the Errours of the Painter, but only observe to the Court, that God being called in Scripture, *the Ancient of Days*, might be the Occasion of the Painter's representing God the Father like an old Man. But that *Sherfield* was much more to blame

R. 3

To which *Edward Earl of Dorset* replied, That by that Text

was

1632. blame than the Painter for daring to make Alterations without Licence. In short, *Sherfield* was fined Five Hundred Pounds, contrary to the Opinion of some of his Judges, who would have mounted his Fine to a Thousand, and to make a publick Acknowledgment of his Fault, before such Persons as the Bishop should please to Name *. I thought myself obliged to relate this Instance, in order to show what Methods were taken to work the Destruction of *Presbyterianism*. It is easy to perceive that such Severities could not but have very ill Effects amongst the People, and alienate them from, instead of making them Friends to, the Church of *England*.

The King
gains Sir
Thomas
Went-
worth.

In the Account I have given of the third Parliament holden in this Reign, I had sometimes occasion to speak of Sir *Thomas Wentworth*, Knight of the Shire for the County of *York*. This Gentleman several Times in the *House of Commons* gave Tokens of his Zeal for the Maintenance of the Liberties of the People, and the Privileges of the Parliament. By that he became formidable to the Court, though he took Care not to run into any Excess with regard to the King and his Ministry. On the contrary, he softened his Opinions by always speaking honourably and respectfully of the King: But however he seldom failed to oppose the Pretensions of the Court. As he was one of the greatest Genius's then in *England*, the King soon perceived his Parts and Capacity might be of great Service to him, if he could gain him to his Side. He endeavoured it therefore, after or perhaps before the Dissolution of the Parliament, and succeeded so well, that *Wentworth* became one of the greatest Sticklers for the Royal Authority, or rather for the despotick Power the King had a Mind

10

was meant, God from Eternity, and not God to be pictured as an old Man creating the World with a Pair of Compasses. *Ruth* 11. p. 156.

* He was likewise committed to the Fleet, removed from his Recordership, and bound to his good Behaviour.

to set up *. Upon this Account, the King thought him the fittest Person to be intrusted with the Presidentship of the Council in the *North*. As this is one of the greatest Grievances complained of by the *English* against *Charles I*, and one of the most noted Occasions wherein that Prince discovered his Design to set up an unlimited Power, it will be necessary briefly to show what this Council in the *North* was, and the Use the King would have made of it to subject his People to a despotick Power.

1632.
He is made
President
of the
Council
of York.

Upon the Suppression of the lesser Monasteries in the 27th Year of the Reign of *Henry VIII*, there were for two or three Years together, several Insurrections in the *North*. Mean while, as *Henry VIII* did not intend to stop there, but meant also to suppress all the Rest of the Monasteries, he thought proper to take some Care to prevent the like Insurrections in those Parts. To that End, he established at *York* a Court of Justice, under the specious Pretence of easing his poor Subjects, who had not wherewithal to go and prosecute their Suits in the Courts of *Westminster*. But his real Intent was, that this Court should have an Eye upon the Proceedings of the Lords and Gentlemen in the *North*, who were suspected, in order to punish them upon the Spot, in Case it was perceived they were endeavouring to raise any fresh Commotions. A Commission therefore was granted to the Bishop of *Landaff*, the first President, and others, by virtue whereof was established this new Council in the *North*, otherwise called, the Court of *York*. The Jurisdiction of this Court extended over *Yorkshire*, *Northumberland*, *Cumberland*, *Westmoreland*, the Bishoprick of *Durham*, the County of the Cities of *York*, *Kings-ton upon Hull*, and *Newcastle upon Tyne*.

Remark on
the Coun-
cil of
York.

* About the same Time were gained also, Sir *John Saville*, who was made a Lord, and Comptroller of the Household, Sir *Dudley Digby*, who was promoted to the Mastership of the *Kells*, *Noy*, who was made Attorney General, and Sir *Edward Littleton*, who was made Solicitor. Sir *John Elliot* was tampered with, but he was Proof against all Temptation.

1632.

The King's Commission was no other than a Commission of Oyer and Terminer, only it had a Clause at the End, whereby the Council was empowered to hear all Causes, real and personal, in Case one or both of the Parties, by reason of their Poverty, could not prosecute their Rights elsewhere, according to the Laws of the Land. This Clause, though illegal, had no ill Effect, nor occasioned any Complaint, whether the new Court exercised that part of the Commission at all, or only so sparingly, that the Poor found Ease and Benefit by it.

In the first Year of the Reign of King James I, a Commission was granted to the Lord Sheffield President of the Court of York, but with this Difference, that it had reference to Instructions which the King should send him. It is not known whether these Instructions were sent: But it is evident that by making the Power of the Court depend upon the King's Instructions, the Intent was, that its Decisions should not be made so much according to the Laws, as according to his Majesty's private Orders. And indeed, King James in the Seventh Year of his Reign, granted a new Commission to the same Lord Sheffield, wherein were left out these two Clauses, which were in the first, That they should inquire *per sacramentum honorum & legalium hominum*, and hear and determine, *secundum leges Angliæ*. Thus the Power of the Court was limited only by the Instructions which were the first that are found to be sent thither.

From that time, whenever the Commission was renewed, which was upon every change of President or any Counsellor, the King sent new Instructions, which tended to render the Courts of York Independent, not only of the Courts of Westminster, which were for the whole Kingdom, but even of all sorts of Laws. Charles I. renewed this Commission in Favour of the Lord Wentworth, with more ample Power than any of his Predecessors had been invested with. In 1632 a Clause was added, whereby among other Things, Authority was committed to him to hear

hear and determine all Offences and Misdemeanours, Suits, Debates, Controversies, and Demands, Causes, Things, and Matters whatsoever contained in the Instructions annexed to the Commission. But what were these Instructions? * In the Parliament of 1640, Mr. Edward Hyde, then a Member of the House of Commons, and afterwards Earl of Clarendon, being sent by the House to the Lords concerning the Court of York, said in his Speech to them, That in the Instructions of 1632 and 1637, containing fifty-eight Articles, there was scarce one that was not against or beside the Law. From whence he took Occasion to ask, What have the good northern People done that they only must be disfranchised of all their Privileges, and be governed according to the Discretion of the Court of York? Nay, though this Court might proceed according to their Discretion, special Provision was made in the King's Instructions, that no Fine, no Punishment should be less than by Law appointed *. This Court was abolished afterwards by the same Parliament of 1640.

The

* Among other Matters in the Instructions, the said President was to hear and determine, according to the Course of Proceedings in the Star-Chamber, divers Offences, Deceits and Falshoods, whether the same were provided by Act of Parliament or not. Likewise to hear and determine, according to the Course of Proceedings in the Court of Chancery, all manner of Complaints as well concerning Lands, Tenements, and Hereditaments, and to stay Proceedings in the Courts of Common Law by Injunction, or otherwise, as is used in the Court of Chancery. And that no Prohibition should be granted at all, but in Cases where the President exceeded the Limits of the said Instructions. And that if a *Habitus Corpus* be granted, the Party was not to be discharged till he performed the Decree of the Council. *Rush. II. p. 158.*

* But, added Mr. Hyde, "As much greater as your Discretion shall think fit. And indeed, (says he) in this Improvement we find Arbitrary Courts are very pregnant. If the Law require my good Behaviour, this Discretion makes me close Prisoner: If the Law sets me in the Pillory, this Discretion appoints me to leave my Ears there." And such Confusion hath this Discretion in these Instructions produced, as if Discretion were only to act with Rage and Fury." See the whole Speech. *Rush. II. p. 164. 165.*

1633.
The King's
Journey to
Scotland.

The King having governed three or four Years without a Parliament, was very much at Ease and undisturbed. His Will, by Degrees, began to pass for Law; there was no *House of Commons* to be so bold as to complain publickly, and he saw none about him but such as were always ready to flatter him, and keep him in his Principles concerning Government. On the other Hand, he was freed from the Incumbrance and Expence of a War, which had created him a great deal of Trouble, and made him too dependent on the Parliament. In short, though he was not ignorant that in general the People were discontented, yet he did not see any Likelihood of a Rebellion, the great Men of the Kingdom and neighbouring Princes being so disposed as to give no Encouragement to such as had a Mind to raise Disturbances in the State. His Affairs being in this Posture, he believed he could not take a properer Time to go into *Scotland*, where three important Matters required his Presence. First, he had a Mind to be crowned. 2. He intended to hold a Parliament in order to get Money. 3. He designed to take some Measures there for the Execution of a Project long since formed, to reduce the *Kirk of Scotland* to a perfect Conformity with the Church of *England*, and entirely root out *Presbyterianism*. To this End it was that he took with him *Laud Bishop of London*, and at his Arrival in *Scotland*, made him Privy-Counsellor of that Kingdom. He set out therefore from *London* on the 13th of *May* 1633, and being come to *Edinburgh*, was crowned with the usual Solemnities. After that he held a Parliament, which gave him the largest *Subsidy* that had ever been granted to any King of *Scotland* before him. The third Point concerning Religion, requires some Explanation. But as I intend to speak more fully of this Matter hereafter, I shall say no more in this Place than what is absolutely necessary for the understanding the King's Purpose.

He is
crowned
there.
Jun 18.
A Parlia-
ment.
Jun. 20.

The Reformation was established in *Scotland* in the Reign of Queen *Mary*, Mother of *James I.*, upon the Plan of the Churches of *Geneva* and *Switzerland*. The *Hierarchy* was entirely suppressed, and the Government of the Church was committed to Presbyters, and national Synods, called in *Scotland*, *General-Assemblies*. But however, the Bishops were still continued, though stripped of all Ecclesiastical Jurisdiction. They retained only their Revenues, Lands, Houses, Seat in Parliament, and all the Temporal Advantages in general, that were annexed to the *Episcopal* Dignity. From the Beginning of the Reformation, that is, from the Year 1561, to the end of the sixteenth Century, the State of the Bishops underwent several Turns, of which I shall say nothing here, because I design to speak of them elsewhere. It suffices to say at present, that *James I.*, becoming King of *England*, found Means to get the Parliament of *Scotland* to restore Episcopacy in its former Lustre, and to give the Bishops their antient Jurisdiction over the Church. This was the first Step towards bringing the *Kirk of Scotland* to the desired Point, that is, to a perfect Conformity with the Church of *England*. But the tedious Treaty of the Prince his Son's Marriage with the *Spanish* Infanta, and the Affairs of *Bobemia* and the *Palatinate*, hindered him from fully executing his Project. *Charles I.*, had this Work no less at Heart than the King his Father. But as in the Beginning of his Reign he was engaged in a War with *Spain*, and afterwards with *France*, and as besides his Disputes with his Parliaments scarce afforded him leisure to think of other Matters, he could not in good earnest set about this Affair, till after the others were ended. In the Parliament holden at *Edinburgh* in the Year 1633, among other Acts that were presented to be passed there were two, namely, the 3d, and 4th, the one entitled, *An Act anent his Majesty's Royal Prerogative, and Apparel of Kirk-men*: The other, *An Act of Ratification of the Acts touching Religion*. These were the only Acts that met with any Opposition, on account

1633.
Remark
concerning
the esta-
blished Re-
ligion in
Scotland.

King James
restores E-
piscopacy.

Acts con-
cerning Re-
ligion pas-
sed this
Parlia-
ment.
Russ. Vol.
II. p 182.
c.

1633. account of the Consequences ^{some were afraid} the King would draw from thence hereafter. ^{by} The first of these *Acts* was properly but a Confirmation of a like *Act* passed in the Reign of King James VI, empowering his Majesty to order the *Vestments* of the Clergy as he pleased. Now as from that Time, the Design of altering the Discipline of the Kirk of Scotland, had discovered it self more and more, some of the Members of this Parliament suspected the King would make use of this *Act* to bring in the *Surplis*. And indeed being asked whether he intended to do so, he made no Answer: But taking a List of the whole Members out of his Pocket, he said, *Gentlemen, I have all your Names here, and I'll know who will do me Service, and who will not, this Day.* However about thirteen Noblemen, and as many *Bishops* and *Burgeesses* declared, That they agreed to the *Act* for his Majesty's Prerogative, but dissented from that part of it, as to the Apparel of *Kirk-men*.

Russ.
Vol. II.
p. 183.

Russ.
Vol. II.
p. 186.

The other *Act* which I mentioned, was expressed in the following manner: 'Our Sovereign Lord, with the Advice and Consent of the Estates, ratifies and approves all, and whatsoever *Acts* and Statutes made before ahent the Liberty and Freedom of the true Kirk of God, and Religion at present professed within this Realm, and ordains the same to stand in their full Force and Effect, as if they were specially mentioned and set down herein'.

Opposition
to these
Acts.

I have already said, that in the Reign of James VI, and especially after he became King of England, he made several Innovations in the Kirk of Scotland, particularly with Respect to the Episcopal Jurisdiction which had been restored. The whole Artifice of this *Act* consisted therefore in these Words, *As Religion at present professed*: For by that were confirmed all the Innovations in the Discipline of the Kirk of Scotland, which those that were against the *Act* would not agree to. They were very willing to ratify the *Act* made

made in favour of Religion, as it was established by an Act passed in the 6th Year of James VI., when the Bishops had no Power, nor Jurisdiction: But they would not admit these Words, *at present professed*. During these Contests, the King said with some Emotion, *I will have no Distinction, but command you to say, I or No.* Whereupon the dissenting Lords and Gentlemen said, *No.* However the two Acts passed by a Majority of Votes. Some affirmed afterwards that unfair Play was used in gathering the Votes. However that be, the King's Eagerness to have these two Acts passed, made the People of Scotland perceive that the Project of making greater Innovations in the Kirk was still in Hand, and that the two Acts were a sort of Preparative to bring it about. On the other Hand, the Opposition the King met with, let him see that it was not Time yet to act openly, but that it was necessary to take some other Measures to pave the way to his Designs.

If it was attempted in Scotland to extirpate Presby-^{The Puri-}terianism by indirect ways, it was thought there was ^{tans are} no Occasion to take the same Course in England. On ^{persecuted} the contrary, all possible Endeavours were used to ^{in Eng-}destroy it utterly, by persecuting the Puritans, to whom there was not the least Indulgence shown. The Court and the Bishops laid it down for a Rule, not to give up for their Sakes one Tittle of what was practised in the Church of England, for fear they should grow too powerful, and the Indulgence shown them become detrimental to the Church. But there was a stronger Reason still, I mean, the implacable Hatred the King, his Ministers, and above all, the Bishops of London and Winchester had conceived against them, and which made them earnestly seek all Occasions to oppress them. And these Occasions were easy to be found. They had nothing to do but to press the Observation of the Canons without dispensing with one Point, in order to cause the Presbyterians to fall into Trespasses, which rendered them liable to the rigour of the Ecclesiastical and Civil Laws.

But

1633.

But as the Bishops could not be every where, and as they wanted People to inform them of what passed, the Bishop of *Winchester* took it into his Head, in his primary *Visitation*, to oblige the *Church-Wardens*, and Sworn-Men by Oath, to turn *Informers*, that none might escape their Inquiry. The Oath was as follows :

Oath appointed by the Bishop of Winchester. Rush. Vol. II. p. 186.

YOU shall Swear, That you and every of you, without all Affection, Favour, Hatred, Hope of Reward and Gain, or fear of Displeasure or Malice of any Person, shall present all and every such Person and Persons, of or within your Parish, who hath committed any Offence, Fault, or Crime, or omitted any part of Duty, which be enjoined to perform : Wherein you shall deal uprightly, and according to Truth ; neither of Malice presenting any contrary to Truth, nor of corrupt Affection sparing to present any, and to conceal the Truth ; having in this Action God before your Eyes, with an earnest Zeal to maintain Truth, and suppress Vice, So help you God, and the Contents of this Book.

With this Oath were delivered certain Instructions, according to which they were to proceed.

‘ 1. As to the Articles concerning the Church, they are to enquire, whether they have the Book of Constitutions, or Canons Ecclesiastical, and a Parchment Register-Book, Book of Common-Prayer, and Book of Homilies, &c ? And whether the Communion Table be placed in such convenient sort within the said Chancel or Church, as that the Minister may be best heard in his Prayer and Administration ?

‘ 2. As to the Articles concerning the Clergy, whether doth the Minister read the Constitutions set forth by his Majesty once every Year ?

‘ 3. Whether the Minister or Preacher use to pray for the King’s Majesty with his whole Title, as King of Great-Britain ? And doth he in like manner

manner pray for the Archbishops and Bishops? And doth he observe all the Orders, Rites, and Ceremonies prescribed in the Common-Prayer, and Administ'ring the Sacrament? And whether doth the Minister receive the Sacrament, kneeling at the same Time, and Administ'reth to none but such as do kneel, as by the 12th Canon is directed?

4. Whether hath the Minister admitted to the Communion any notorious Offenders or Schismatics? Contrary to the 26th and 27th Constitution. And whether Strangers of any other Parish, do come often and commonly to your Church, from their own Parish-Church? contrary to the 28th Canon. And whether doth the Minister use to sign the Children with the Sign of the Cross, when they are Baptized? And whether is your Minister a Licensed Minister? If yea, then by whom? And whether doth the Minister wear the Surplice whilst he is saying the Publick Prayers, and Administ'ring the Sacraments? Whether doth the Minister Catechize and Instruct the Youth of ignorant Persons of your Parish in the Ten Commandments, &c? And whether he doth solemnize Marriage, the Banes not being three several Sundays and Holidays first published in Time of Divine Service? And whether doth your Minister in the Rogation-days use the Perambulation of the Circuit of the Parish? Whether doth the Minister every six Months Denounce in the Parish all such as do persevere in the Sentence of Excommunication, not seeking to be absolved? Or hath he admitted any Excommunicated Person into the Church, without Certificate of Absolution? Whether is your Minister a Favourer of Recusants, whereby he may be suspected not to be sincere in Religion? Whether is your Minister noted to be an incontinent Person, a frequenter of Taverns, Ale-houses, a common Gamester, or a Player of Dice, &c? With divers other Articles of Enquiry.

1633.
The King
supports
Wakes
and Re-
vels,
Rush.
Vol. II.
p. 191.

Hence may be seen how very careful the Bishop of *Winchester* was to hinder any *Presbyterian* Ministers from getting into the Church of *England*. But although the Oath enjoined by this Prelate, was a real Outrage upon the Laws, the Parliament alone having Power to prescribe such Oaths, no Body dared to attack him directly. The *Presbyterians* were sure to meet with no Encouragement from the Court. On the contrary, their Dislike of a Thing was a sufficient Reason with the Court strenuously to support it. I shall give here two very remarkable Proofs of what I have said. The *Presbyterians* were offended at the keeping the Feasts of the Dedications of Churches [commonly called *Wakes*,] because they were the Occasion of Riot and Debauchery, and because these Days seldom passed without some Disorders. In *Somerſetſhire*, where they abounded, the Lord Chief-Justice *Richardſon*, and Baron *Denbam*, in their Circuits made an Order, with the general Consent of the whole *Bench*, that these Feasts should be suppressed *. But the Chief-Justice being commanded to attend the Council-Board was severely reprimanded, and enjoined to revoke the Order made at the *Affizes*. A second Proof of what I advanced was this.

and Recre-
ations on
Sundays
after Di-
vine Ser-
vice.
Ibid.
p. 193.

The *Presbyterians*, notwithstanding the late King's Proclamation, affecting still to forbid their Servants to play, to go to Ale-houses, or use any Recreations publicly on *Sundays* after *Divine-Service*; the King renewed and confirmed the Proclamation the King his Father had published upon that account, commanding that the People should not be troubled or molested in their Recreations. The Court was afraid that by Degrees a Maxim would be established which they deemed bad and prejudicial to their Interest, namely, that when a Custom which was not ill in it self, occasioned some Abuses, it should be abolished. This Maxim seeming to them too general, because it might

* On *Sundays*. Rush. II. p. 192.

might be applied to Things of great Moment, they opposed it to the utmost of their Power. 1633.

George Abbot Archbishop of Canterbury dying this Year 1633, William Laud, Bishop of London, succeeded him in that Dignity. Abbot dies; Laud succeeds.

This same Year the Queen was brought to Bed of a second Son, who was called James, and created Duke of York. James Duke of York born

The Presbyterians had taken it into their Heads that a Project was formed to re-establish the Roman-Religion in England. This Notion in general ought not to seem strange, since it is certain, that after the Reformation, this Project had never been given over. But the Authors of it must be carefully distinguished. Had the Presbyterians been satisfied with believing that some private Roman-Catholicks had formed such a Design, one may venture to affirm, they would not have been mistaken: But they went much farther. They imagined that the King's Ministers, the Council, Bishops, and particularly the new Archbishop of Canterbury, were the Authors of this Project. If they did not directly charge the King with it, at least they were persuaded either that he encouraged it, or suffered himself to be carried farther than he desired, by Persons who concealed their Design from him. The Catholicks themselves gave Occasion for these Suspicions, in showing pretty openly their Hopes of seeing very soon a Change in favour of their Religion. We find in a Diary which Laud kept of what happened to him every Day, that this very Year 1633 he had the Offer of a Cardinal's Cap, if he would help to restore the Roman-Religion. For my part, I verily believe, neither the King, nor the Archbishop, nor the Ministers for the most Part, ever formed such a Design. At least in all that has been said upon this Subject, I have not met with any Proof which to me seemed, I will not say strong enough to convince me, but even to have the least Probability. Nevertheless it is certain this Opinion prevailed more and more among the People, and the Presbyterians used their Endeavours

1633. vours to gain it Credit. I do not know whether they believed it themselves, or whether they only thought it would be for their Advantage to throw this Reproach upon the Church of *England*, that they might strengthen their Party, in which they succeeded at length, even beyond their Expectations. But since this Opinion produced in time surprising Effects, I cannot forbear showing upon what it was grounded.

*Grounds
and Rea-
sons of this
Opinion.*

1. Whilst *James I.* was King of *Scotland* only, before the Death of Queen *Elizabeth*, he was suspected to favour the *Papists* *. *Elizabeth* herself was not free from such a Suspicion, as has been seen in the History of her Reign. After *James* had mounted the Throne of *England*, he always expressed great Tendernefs for the *Catholicks*. This he showed on several Occasions, as in the *Gunpowder-Plot*: By whatever he said in favour of the *Catholicks* in all his Speeches to the Parliament, by the Places of Trust, which he gave indifferently to *Papists* and *Protestants*, as he owned himself in his famous *Apology*; by his continual Refusal to see the Laws put in Execution against *Recusants*; and lastly, by the little Zeal and Affection he expressed for the *Protestant Religion* in the two Negotiations with *Spain* and *France*, about the Prince his Son's Marriage. I say nothing here of his Conferences with the Archbishop of *Embrun*, because they were not known in his Life-time, and because one cannot be sure all is true in the Accounts thereof. These Things gave some Cause to suspect that King
James

* It would have been thought something more than Suspicion, had they known of his secret Treaty with the King of *Spain* in 1596, managed by *John Ogleby* a *Scotch* Baron, who declared to his *Catholic* Majesty, that King *James* would turn *Catholic*, and enter into a Confederacy with his Holiness and his *Catholic* Majesty, against the Queen of *England*, and produced a Letter of Credence of the said King *James*, presenting a Memorial of the Reasons that induced the King of *Scotland* to be reconciled to the *See Apostolick*. This Transaction is mentioned by none of our Historians. The Papers relating to this Affair were found among Sir *Ralph Winwood's*, which the Reader may see in the *Collection of State-Papers* lately published by *Edmund Sawyer Esq;* Vol. I. p. 1.

James had some ill Design with regard to Religion, and had left the Execution of the same to the Care of his Successor.

2. *Charles I.* when Prince, and at *Madrid*, sent a Letter to the Pope, which might breed a Suspicion against him. This Suspicion might be confirmed by the secret Articles that he is said to have signed on occasion of his Marriage with the *Infanta*.

3. After *Charles* ascended the Throne, he always showed a very great Condescension for the *Catholicks*, several whereof were raised to the highest Posts. *Conway* Secretary of State was a *Papist*; *Weston*, who was made Earl of *Portland* and Lord-Treasurer, was so too. Indeed the Duke of *Buckingham* professed the Reformed Religion; but all the World believed he would have made no Difficulty to change it for the *Roman*. Besides, his Mother and his Dutcheß were *Papists*. We have seen heretofore that the Parliament presented to the King a List of a great many *Recusants*, to whom were committed the Places of Trust in their respective Counties. In short, though the King had positively promised to proceed with Vigour against the *Recusants*, he performed not it seems his Promise, since the following Parliaments were frequently obliged to renew their Instances on that account, and always in vain. If the King gave any Orders upon that Head, they were never executed, and every Body was persuaded the Court connived at the Neglect of those who were charged with the Execution, insomuch that it was a perpetual Source of Complaints during this whole Reign.

4. The King had an excessive Complaisance for his Queen; and the Queen was not only a *Papist*, but also very zealous for her Religion. This gave Occasion to fear that she had formed the Project of re-establishing it in *England*, and would in the End bring the King over to her Opinions.

5. The *Presbyterians*, who were looked upon as the greatest Enemies to *Poper*y, were furiously oppressed and persecuted, whilst the *Arminians* and *Papists*,

were suffered to live unmolested. Hence it was inferred, that the Court proceeded with so much Heat against that *Sett*, only to make way by their Destruction to the Restoration of *Popery*.

6. *Arminianism* was so openly countenanced by the Court, and some of the principal Bishops, that many were of Opinion that there was a Design to make use of it as a Means to bring about the more easily a Change of Religion.

7. At the same Time that this Notion of a Design to restore *Popery* spread it self over the Kingdom, the Heads of the Church of *England* were more and more addicted to all the Rites and Ceremonies which gave the most Offence to tender Consciences. *Kneeling at the Sacrament, Wearing the Surplice, Confirmation, Keeping of Saints-Days, Processions, Bowing to the Altar*, and the like, which offended the *Presbyterians*, as being *Relicks of Popery*; these Things, I say, were pressed by the Bishops with the same Eagerness as if *Religion* must have fallen with them, and as if they were absolutely necessary to *Salvation*. This caused many to suspect that the Observance of all these Points was pressed with Design to pave the Way for the more easy Reception of the *Popish* Tenets hereafter.

8. The Heads of the Church of *England* were not satisfied with zealously maintaining the Ceremonies and Rites used in their Church after the *Reformation*, but they made certain Additions to them from Time to Time, which could not be justified by the *Canons*. This occasioned these Things to be considered as Innovations tending to *Popery*. What *Laud* had done in consecrating *St. Catharine-Creed Church*, and in administering the *Sacrament*, was of this kind. When some complained of these Things, the Bishops that countenanced them, alledged a *Statute*, which empowered Queen *Elizabeth* and her Successors, in case of any Abuses and Indecencies in the Divine Worship, to prescribe such Ceremonies as they should judge proper for the Glory of God, and the Decency of

of his Worship. Now as the King never failed to approve of what was enjoined by the Bishops, many suspected that the King's Authority was made use of to support these seemingly inconsiderable Innovations, with design to take Advantage of the same Authority to justify Alterations of much greater Consequence.

9. Lastly, The *Church's* little Regard to tender Consciences, and her obstinate Stiffness in refusing to relax in any the most insignificant Point, as for Instance, the *Surplice*, gave occasion to believe that these Things would not have been so zealously adhered to, had there not been some more hidden Designs in Hand.

These were the Grounds, as far as I have been able to observe, on which was built the Notion the People had that there was a Design to bring in *Popery*. However these are only bare Presumptions, from whence it cannot be justly inferred, that this Opinion was well-grounded, as may have been observed in what I have said above. But on the other Hand, it must be confessed, that the principal Bishops, who were not ignorant of the Consequences which would be drawn from their Conduct, were extremely careless in clearing themselves, or in taking some Measures to remove, or at least to weaken these Suspicions. They looked upon the *Presbyterians* with the utmost Contempt, as a Sett of stubborn, obstinate People, who ought to be humbled, instead of having the least Compliance shown them. But it was not with regard to Religion only that the Destruction of the *Puritans* was thought necessary. They were considered also as Persons, who by the Principles of their Religion, were biassed to oppose all Authority in the *State*, as well as in the *Church*, and consequently they could not be kept too low. This bred between the two Parties an implacable Enmity, which is not yet extinguished. The *Presbyterians*, who were under Oppression at the Time I am speaking of, had

1633.

their Turn afterwards, and oppressed, nay, utterly destroyed the Church of *England*. In the violent Motions caused by this Enmity, the Bishops suffered first. *Laud* lost his Head on the Scaffold. The Monarchy was overthrown, and in the Fall the King himself came to a tragical End. The Church of *England* disappeared for some Time, and was as it were buried in the Ruins of the State. And it was not without a wonderful Providence that the *Monarchy* and *Church* were in the End restored to their former Splendor.

The King, as I said before, intended to introduce the *Rites* of the Church of *England* into the Kirk of *Scotland*. This Project was formed by the King his Father, who had even ordered that *Divine Service* should be celebrated in his Royal Chapel at *Edinburgh*, in the same Manner as in his Chapel at *Whitehall*. But whether this Order was neglected, or whether the *Scots* would not frequent the Chapel afterwards, *Charles* thought proper not only to renew it, but to add several Things to it, to hinder the Chapel from being deserted for the future. So on the 8th of *October*, he sent the following *Articles* to the Bishop of *Dumblain*, Dean of his Chapel at *Edinburgh*.

‘ *Charles Rex,*

*Articles
for his
Majesty's
Royal
Chapel in
Edin-
burgh.
Odob. 8.
Rush. Vol.
II. p. 205.*

‘ 1. **O**UR express Will and Pleasure is, That the Dean of our Chapel, that now is, and his Successors, shall be Assistant to the Right Reverend Father in God, the Archbishop of *St. Andrews*, at the Coronation, so often as it shall happen.

‘ 2. That the Book of the Form of our Coronation lately used, be put in a little Box, and laid into a Standard, and committed to the Care of the Dean of the Chapel successively.

The Coronation of King Charles I. it must be observed, had been performed according to the Rites of the Church of England.

‘ 3. That

‘ 3. That there be Prayers twice a Day, with the Quire, as well in our Absence, as otherwise, according to the *English Liturgy*, till some Course be taken for making one that may fit the Custom and Constitution of that Church.

‘ 4. That the Dean of the Chapel look carefully, that all that receive the blessed Sacrament there, receive it Kneeling; and that there be a Communion held in that our Chapel the first *Sunday* of every Month.

‘ 5. That the Dean of our Chapel that now is, and so successively, come duly thither to Prayers upon *Sundays*, and such *Holy-days* as that Church observes, in his *Whites*, and Preach so, whenever he Preacheth there. And that he be not absent from thence, but upon necessary Occasion of his *Diocess* or otherwise, according to the Course of his Preferment.

‘ 6. That these Orders shall be our Warrant to the Dean of our Chapel. That the Lords of our Privy-Council, the Lords of the Sessions, the Advocate, Clerks, Writers to the Signet, and Members of our College of Justice, be commanded to receive the Holy Communion once every Year at least, in that our Chapel-Royal, and Kneeling for Example sake to the Kingdom. And we likewise command the Dean aforesaid to make Report yearly to us, how we are obeyed therein, and by whom; as also if any Man shall refuse, in what manner he doth so, and why?

‘ 7. That the Copies which are Consecrated to our use, be delivered to the Dean to be kept upon Inventory by him, and in a Standard provided for that purpose; and to be used at the Celebration of the Sacrament in our Chapel-Royal.

Besides these Articles, the King wrote a Letter to the Dean, wherein he ordered him to certify to the Lords of the Privy-Council, if any of those appointed to communicate in his Chapel-Royal, performed

1633. the same, to the End, that in case of Neglect or Refusal, such Order might be taken, as his Majesty had appointed in his former Letters.

Hence it is visible that not only the whole Council of *Scotland*, but also all those who were in publick Employments, and Court-Places, were ready beforehand to conform to the *Church of England*, otherwise they would not have been employed or kept in their Posts. It was with them that the King intended to begin, to the End, as he said himself, they might serve for Example to the Rest. We shall see presently what happened when the King would have obliged the whole *Scotch Nation* to the same Compliance.

The placing the Communion Table Altar-wise in St. Gregory's Church.
Rush. Vol. 11. p. 207.

Whilst the King was seeking Means to engage the *Scots* to conform themselves to the Church of *England*, Pains were taking on the contrary to alienate from her the *Presbyterians* in *England*, by affecting such Usages and Customs as were most apt to offend them. At that time the Heads of the Church of *England*, instead of undeceiving those who falsely imagined she was leaning to *Popery*, seem to have taken all possible Care to confirm them in their Suspicions, by industriously conforming to the *Church of Rome* in Matters of little Moment, and without any Necessity, as if it was done merely on purpose to brave them. In the Month of *October* 1633, the *Dean* and *Chapter* of *St. Paul's* at *London*, as *Ordinaries* of *St. Gregory's Church*, which stood close to the Wall of the *Cathedral*, removed the *Communion-Table* from the Middle of the *Chancel*, where it had long stood, to the Upper-end, placing it there *Altar-wise*. For which they alledged two Reasons. The first, that in the King's Chapel and all *Cathedrals*, the *Communion-Tables* were placed in that manner, and therefore it was fit other Churches should conform to the same Custom. The second, that when the Tables stood in the Middle of the *Chancel*, several scandalous Indecencies were committed, People leaning thereon

in Sermon-time, or putting their Hats on it. This last Reason, added to the great Care that was taken about Kneeling at the Sacrament, caused many to believe that the striving to inspire such an extraordinary Respect for the Communion-Table, and the giving it always the Name of *Altar*, was not without Design. And therefore some of the Parishioners of *St. Gregory's* complained of this Removal by Appeal to the *Court of the Archbishops* *. But the Council having notice of it, prevented the Sentence by ordering the *Dean* of the *Archbishops* to confirm by his Authority what had been done in *St. Gregory's* Church. A few Days after, the King being present in Council, caused this Affair to be debated, and approving the Act of the *Dean* and *Chapter* of *St. Pauls*, he gave Commandment, that if those Parishioners did proceed in their Appeal, the *Dean* of the *Archbishops* [who was then attending at the hearing of the Cause] should cast them, and confirm what was done. This Sentence given by the King's Sovereign Authority, without staying for the Judgement of the Court, to whose Cognizance this Matter properly belonged, was a Source of Oppressions to many *Ministers* and *Congregations*, who were not willing to comply with it. There was scarce a Church in *England*, except the *Cathedrals*, and the King's-Chapel, where the Communion-Table was placed *Altar-wise* at the Upper-end of the *Chancel*. But after the King had confirmed the Removal of the same in *St. Gregory's* Church, the like Disputes arose in numberless Places, and the *Higb-Commission* had frequent Occasions to punish the *Ministers*, who were suspected to have too little Zeal for

*It becomes
the occasi-
on of ma-
ny Suits.*

* This Court is the chief and most antient Consistory belonging to the Archbishop of *Canterbury*, for debating several Causes. It was held in the Church of *Mary le Bow*, from whence it has its Name. Its Jurisdiction is ordinary, and reaches through the whole Province of *Canterbury*. The Judge is called *Dean*, from his having Jurisdiction over a *Deanery*, consisting of 13 Churches in *London* exempted from the Jurisdiction of the Bishop of *London*.

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for the Church of *England*. As after the Reformation, the *Altars* were changed into *Communion-Tables*, and placed in the middle of the *Chancel*, to avoid Superstition, many imagined that the *Tables* were turned again into *Altars*, in order to revive a superstitious Worship.

1634.

England being then in profound Peace, and almost wholly unconcerned in what passed abroad, I can speak here only of Home-Affairs. It is true, that each taken by it self, may seem of little Consequence; but all together may serve to show the Character of the King, the Genius of the Court, the Conduct of the Magistrates, and in general, the Causes of that terrible Revolution of which the Lord *Clarendon* has given us the History.

Prynne in-
formed a-
gainst in
the Star-
Chamber.
Rush.
Vol. I.
p. 220.

In the Month of *February* 1634, came to a solemn Hearing in the *Star-Chamber* a Cause which made a great Noise, and which showed the extreme Severity of that Court against such as were suspected not to be submissive enough to the Government. The Case was this. Mr. *William Prynne* [Barrister of *Lincoln's Inn*] had taken it into his Head to write a large Volume in *Folio* of above a Thousand Pages, entitled, *Histrio-Mastix*. The Author's main Drift was to show that *Stage-Plays*, *Balls*, *Masques*, were unlawful and Antichristian. But in handling his Subject, he had interspersed sundry Reflections which might be applied to the King, the Queen, the Church, who approved or tolerated these Abuses. It was pretended, his Aim in general was to make appear, that there was a Design formed to reduce Religion to a kind of *Paganism*, in order to make way for *Popery*. This wicked Attempt was represented by the King's Council in the blackest Colours they could possibly give it. At last, after a solemn Hearing which held three Days, the Book was condemned to be burnt by the common Hangman, a Thing till then unusual in *England*. As for the Author, Sentence passed upon him, that he should be expelled *Lincoln's Inn*, disabled to Practice, degraded of his Degree in the University [of *Oxford*,]
set

Seven Sen-
tences a-
gainst him.

set on the Pillory, have his Ears cut off, imprisoned during Life, and fined five Thousand Pounds. The Publisher, [*Michael Sparkes*] who was also the Printer of the Book, was fined five Hundred Pounds, and [Mr. *Buckner* the Chaplain] who licensed it, fifty Pounds.

1634.

This Sentence seemed too severe to abundance of disinterested Persons. It mortified the *Presbyterians* especially, most of whom were of the same Principles with *Prynne*. They could not help perceiving in the Severity exercised upon this Author, a malicious Design to disgrace their *Self*, and oppress them on all Occasions that should offer. The Truth is, the *Presbyterian-Party*, though very numerous, as plainly appeared afterwards, laboured then under Oppression. They had against them, the King, the Ministers, the Council, the *Star-Chamber*, the *High-Commission*, the principal Heads of the Church of *England*, the *Arminians*, the *Papists*, the Lord-Lieutenants of the Counties, the Judges of the Realm, and all the Magistrates in general. Notwithstanding all this, they daily gained Ground. This would seem incredible, if it was not considered, that the Court themselves were the chief Cause of their Increase. The Court looked upon as *Puritans* all who did not show Submission enough to the King, or would not allow Extent enough to the Prerogative-Royal; and by oppressing them as such, or by refusing them all kinds of Employments, engaged them unavoidably to go over to the *Presbyterians*. As the King's Pretensions with Regard to Government were not approved by the Majority of the Nation, it happened by Degrees, that almost all *England* became *Presbyterian*, according to the Sense the Court put upon that Term. For besides, it is certain there were in the *Presbyterian-Party*, Multitudes who were very well-affected to the Church of *England*, but who could not allow of the King's Principles concerning Government, So this Party, though continually oppressed, grew daily more numerous, waiting with Impatience for a Parliament, where they

Wrong Policy of the Court in oppressing the Puritans.

1634. they were almost sure of finding Protectors. But at the Time I am speaking of, there was no likelihood of the King's intending to call a Parliament. As nothing forced him to it, he took care not to expose himself to the ill Humours of a *House of Commons*, and run the Risk of seeing revived the Complaints which had constrained him to dissolve the three foregoing Parliaments.

Ship-Money for six Years.

It is very true, that in governing without a Parliament, the King debarred himself of the extraordinary Supplies which the Kings usually received from thence: But he would not have it, that the only way to have extraordinary Supplies was to apply to the *House of Commons*. He had told the Parliament in plain Terms, by the Lord-Keeper, and frequently hinted himself, that he knew how to find Money without the Help of Parliaments. And yet, the *Petition of Right* having intervened since that Time, and the King having bound himself, by his Answer, not to raise any Tax without the Consent of both *Houses*, he seemed to be deprived, by his Answer, of all Methods which he thought he might have used before the *Petition* was presented to him. But Expedients to evade the most solemn Promises are seldom wanting, when we have the Power in our Hands. On these Occasions there are Ministers and Counsellors enough to be had, who give their Masters to understand, that Promises made by Sovereigns bind them no farther than they think proper. *Noy*, Attorney-General, who was one of these hardy Counsellors, had, the last Year, furnished the King with a way to raise an extraordinary Supply of Money without the Concurrence of the Parliament. Which was, to impose a Tax upon the People, under colour of keeping up a certain Number of Ships to guard the Seas. But this bold Counsellor died before he had seen the Effect of his Advice, after having however engaged his Master in a Business which made him for ever lose his People's Confidence, and was one of the principal Causes of his Ruin.

The Death of the Attorney-General hindered not the King from putting his Advice in Practice. To that purpose he directed to the Mayors and Head-Officers of the Maritime Towns, *Writs* to much the same Effect, with the following one which was directed to the Mayor of *London* *.

1634-

* *Carolus Rex, &c.*

* **T**O the Major, Commonalty, and Citizens of our City of *London*, and to the Sheriffs of the same City, and good Men in the said City, and in the Liberties and Members of the same, Greeting. Because we are given to understand, That certain Thieves, Pyrates and Robbers of the *Sea*, as well *Turks*, Enemies of the Christian Name, as others, being gathered together, wickedly taking by force, and spoiling the Ships, and Goods, and Merchandizes, not only of our Subjects, but also of the Subjects of our Friends in the *Sea*, which hath been accustomed antiently to be defended by the *English* Nation; and the same, at their Pleasure, have carried away, delivering the Men in the same into miserable Captivity: And forasmuch as we see them daily preparing all manner of Shipping, farther to molest our Merchants, and to grieve the Kingdom, unless Remedy be not sooner applied, and their Endeavours be not more manly met withal; also the Dangers considered, which on every side, in these Times of War, do hang over our Heads, that it behoveth us, and our Subjects, to hasten the Defence of the Sea and Kingdom with all Expedition or Speed that we can; we willing, by the Help of God, chiefly to provide
* for

*The first
Writ for
Ship-Money to the
City of
London.
Rush.
Vol. I.
p. 257.*

* Sir Robert Heath being suddenly removed, Sir John Finch was sworn Lord Chief-Justice of the *Common Pleas* in his Room. Great were the Discourses what the Occasion should be of this sudden Advancement. But four Days after the *Writ for Ship-Money* coming forth, it was conceived, that he was to be instrumental in advancing that Business. *Rush. II. p. 253.*

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• for the Defence of the Kingdom, Safeguard of the
 • Sea, Security of our Subjects, Safe-Conduct of
 • Ships and Merchandizes to our Kingdom of *Eng-*
 • *land* coming; and from the same Kingdom to fo-
 • reign Parts passing; forasmuch as we and our
 • Progenitors, Kings of *England*, have been always
 • heretofore Masters of the aforesaid Sea, and it
 • would be very irksome unto us, if that *Princely*
 • Honour in our Times should be lost, or in any
 • Thing diminished. And although that Charge of
 • Defence, which concerneth all Men, ought to be
 • supported by all, as by the Laws and Customs of
 • the Kingdom of *England* hath been accustomed to
 • be done: Notwithstanding, we considering that
 • you constituted in the Sea-Coasts, to whom by Sea
 • as well great Dangers are imminent, and who by
 • the same get more plentiful Gains for the De-
 • fence of the Sea, and Conservation of our princely
 • Honour in that behalf, according to the Duty
 • of your Allegiance against such Attempts, are
 • chiefly bound to set to your helping Hand; we
 • command firmly, enjoining you the aforesaid
 • *Mayor*, Commonalty and Citizens, and Sheriffs of
 • the said City, and the good Men in the same City,
 • and in the Liberties and Members of the same, in
 • the Faith and Allegiance wherein ye are bound
 • unto us, and as ye do love us, and our Honour,
 • and under the Forfeiture of all which ye can for-
 • feit to us, That ye cause to be prepared and
 • brought to the Port of *Portsmouth*, before the first
 • Day of *March* now next ensuing, one *Ship of War*
 • of the Burthen of *Nine Hundred Tuns*, with Three
 • Hundred and Fifty Men at the least, as well expert
 • Masters, as very able and skilful Mariners: One
 • other *Ship of War* of the Burthen of *Eight Hundred*
 • *Tuns*, with Two Hundred and Sixty Men at the
 • least, as well skilful Masters, as very able and ex-
 • pert Mariners: Four other *Ships of War*, every of
 • them of the Burthen of *Five Hundred Tuns*, and e-
 • very

‘ very of them with Two Hundred Men at the least,
‘ as well expert Masters, as very able and skilful Ma-
‘ riners : And one other *Ship of War*, of the Bur-
‘ then of *Three Hundred Tuns*, with a Hundred and
‘ Fifty Men, as well expert Masters, as very able
‘ and skilful Mariners : And also every of the said
‘ Ships with Ordnance, as well greater as lesser, Gun-
‘ powder, and Spears, and Weapons, and other ne-
‘ cessary Arms sufficient for War, and with double
‘ Tackling, and with Victuals, until the said first of
‘ *March*, competent for so many Men ; and from
‘ that Time, for Twenty-six Weeks, at your Charges,
‘ as well in Victuals as Mens Wages, and other
‘ Things necessary for War, during that Time, up-
‘ on Defence of the Sea in our Service, in Command
‘ of the *Admiral* of the Sea, to whom we shall com-
‘ mit the Custody of the Sea, before the aforesaid
‘ first Day of *March*, and as he, on our behalf, shall
‘ command them to continue ; so that they may be
‘ there the same Day, at the farthest, to go from
‘ thence with our Ships, and the Ships of other faithful
‘ Subjects, for the Safeguard of the Sea, and Defence
‘ of you and yours, and repulse and vanquishing of
‘ whomsoever busying themselves to molest or
‘ trouble upon the Sea our Merchants, and other
‘ Subjects, and faithful People coming into our Do-
‘ minions for cause of Merchandize, or from thence
‘ returning to their own Countries. Also we have
‘ assigned you, the aforesaid *Major* and Aldermen
‘ of the City aforesaid, or any Thirteen, or more
‘ of you, within Thirty Days after the Receipt of
‘ this Writ ; to assess all Men in the said City, and
‘ in the Liberties, and Members of the same, and
‘ the Land-holders in the same, not having a Ship,
‘ or any part of the aforesaid Ships, nor serving in
‘ the same, to contribute to the Expences, about
‘ the necessary Provision of the Premises ; and to
‘ assess and lay upon the aforesaid City, with the Li-
‘ berties and Members thereof, *viz.* upon every of
‘ them,

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‘ them, according to their Estate and Substances,
 ‘ and the Portion assessed upon them ; and to nomi-
 ‘ nate and appoint Collectors in this behalf. Also
 ‘ we have assigned you, the aforesaid *Major*, and
 ‘ also the Sheriffs of the City aforesaid, to levy the
 ‘ Portions so as aforesaid assessed upon the aforesaid
 ‘ Men and Land-holders, and every of them in
 ‘ the aforesaid City, with the Liberties and Mem-
 ‘ bers of the same, by Distress and other due Means ;
 ‘ and to commit to Prison all those whom you shall
 ‘ find rebellious, and contrary in the Premises,
 ‘ there to remain until we shall give further Order
 ‘ for their Delivery. And moreover, we command
 ‘ you, that about the Premises ye diligently attend,
 ‘ and do, and execute those Things with Effect, up-
 ‘ on peril that shall fall thereon : But we will not,
 ‘ that under colour of our aforesaid Command, more
 ‘ should be levied of the said Men, than shall suffice
 ‘ for the necessary Expences of the Premises ; or that
 ‘ any, who have levied Money for Contribution, to
 ‘ raise the aforesaid Charges, should by him detain
 ‘ the same, or any part thereof ; or should presume,
 ‘ by any manner of Colour, to appropriate the same
 ‘ to other Uses ; willing, that if more than may be
 ‘ sufficient shall be collected, the same may be paid
 ‘ out among the Contributors, for the Rate of the
 ‘ Part to them belonging.’

*Witness my Self, at Westminster the 20th Day of
 October, in the Tenth Year of our Reign.*

The Lord-Mayor of *London* having received this
 Writ, assembled the Common-Council, who agreed
 to present the following Petition to the King.

‘ To the King’s most Excellent Majesty.

‘ *The Humble Petition of your faithful Subjects,
‘ the Major, and Commonalty, and Citizens of
‘ your City of London, most humbly shewing,*

‘ **T**HAT whereas your Majesty by *Writ*, bearing *The City of London’s Petition to the King.*
‘ ing *teste 20 Octobris* last, commanded your Petitioners, at their Charge, to provide Seven Ships *Rush. Vol. II. p. 266.*
‘ of War, furnished with Men, Victual, and all war-
‘ like Provisions, to be at *Portsmouth* by the first of
‘ *March* next, and to continue from thence by the
‘ Space of Twenty-six Weeks in your Majesty’s Ser-
‘ vice, upon the Defence of the Seas and other Causes
‘ in the said *Writ* contained:

‘ Your Petitioners, do in all submissive Humble-
‘ ness, and with Acknowledgment of your sacred
‘ Majesty’s many Favours unto your said City, in-
‘ form your Majesty, that they conceive, that by an-
‘ cient Privileges, Grants, and Acts of Parliament
‘ (which they are ready humbly to shew forth) they
‘ are exempt, and are to be freed from that
‘ Charge, &c.’

But the Pretensions of the City of *London* were not capable of making the King lay his Project aside. We shall see on the contrary, that in time this Tax, which was at first peculiar to the maritime Towns, was imposed upon the whole Kingdom.

After *Laud’s* Promotion to the Archbishoprick of *Canterbury*, his Zeal for the Church of *England*, and against the *Presbyterians*, seemed to be much heightened. He kept, by the King’s Order, a private Correspondence with the Bishops of *Scotland*, concerning the *Liturgy* and *Canons* he designed to introduce into the *Kirk*, and of which I shall speak more fully presently. It suffices to say here, that it was he that was charged with the Management of this Project, and

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the Care of finding Means to put it in Execution. But he did not confine his Labours to the Conversion of the *Scotch*, nor even of the *English Presbyterians*. The *Dutch*, the *Walloons*, the *French*, who had taken Refuge in *England*, since the Reign of *Edward VI.* had obtained sundry Privileges from the former Kings, and particularly the Liberty of celebrating *Divine Service* after their manner, that is, the *Presbyterian*, and formed several Congregations, both at *London* and in other Parts of the Kingdom. But *Laud* could not bear they should enjoy this Privilege any longer. And therefore he sent them these two Injunctions, having first made sure of the King's Approbation:

1634-5.
Laud's In-
junctions
to the
Walloon
and
French
Churches.
Rush. II.
P. 272.

1. That all the Natives of the *Dutch* and *Walloon* Congregations in his Grace's Diocese should repair to their several *Parish-Churches* of those several Parishes where they inhabited, to hear *Divine Service* and *Sermons*, and perform all Duties and Payments required in that behalf.
2. That the *Ministers*, and all other of the *Dutch* and *Walloon* Congregations, which were not Natives and born Subjects to the King's Majesty, or any other *Strangers* that should come over to them, while they remained *Strangers*, might have and use their own Discipline, as formerly they have done; yet it was thought fit that the *English Liturgy* should be translated into *French* and *Dutch*, for the better Settling of their Children to the *English Government*.

Besides that by these Injunctions he imposed upon these foreign Churches a *Liturgy* which they did not approve of, he reduced these Congregations almost to nothing, since he excluded all those that were born in the Kingdom, that is, all the Descendants of such as had fled hither in the Reign of *Edward VI.* and consequently there could be but a very few left of those born out of the Kingdom.

Upon this, the Dutch [and Walloon] Churches at *Norwich* presented a *Petition* to the Bishop of that *Diocese*, setting forth, that the Archbishop's Injunctions were contrary not only to several Orders of the Council heretofore given in favour of their *Congregations*, but also to the Privileges granted to them when they first settled in *England*, and continued to them during the Reigns of *Edward VI*, *Queen Elizabeth*, and *James I*, and confirmed also by his present Majesty's Royal Word. The Bishop of *Norwich* not returning a favourable Answer to their *Petition*, they made Application to the Archbishop himself, who answered them by Letter, That his Majesty was resolved, that his Instructions should hold, and that Obedience should be yielded to them by all those that were born in *England*, after the first Descent; Concluding his Letter with these Words: *And thus I have given you Answer fairly in all your Particulars; and do expect all Obedience and Conformity to my Instructions; which if you shall perform, the State will have Occasion to see how ready you are to practise the Obedience which you teach: And for my part, I doubt not but your selves, or your Posterity at least, shall have cause to thank both the State and the Church for this Care taken of you; but if you refuse, (as you have no Cause to do, and I hope you will not) I shall then proceed against the Natives, according to the Laws and Canons Ecclesiastical.*

Thus the Archbishop alledged, in order to justify the Breach of the Privileges granted to these *Congregations*, and confirmed by four Kings, of whom his present Majesty was one, the King's sole Will and Pleasure only, or rather his own. It was evident, that the King's good Pleasure, which he laid so much Stress upon, was rather an Approbation of what the Archbishop had undertaken, than a Warrant to undertake it. The *Presbyterians* having no other way to be revenged of the Archbishop, published several *Libels* against him, taking notice of all the Innovations he had brought into the Church, pretending they were so many Steps towards *Popery*. They forgot

1634-5.
Feb. 21.

Aug. 19.

1635.

*Reproaches
against the
Archbp.*

1635. not to upbraid him with the Pictures he had set up in the Windows of his Chapel at *Lambeth*, particularly that of God the Father in Form of a little old Man. They observed several other Things, for which the Archbishop was afterwards accused by the *House of Commons*. But this is not the proper Place to speak more fully of this Impeachment, or of the Archbishop's Defence.

Information against such as resided in London contrary to the King's Proclamation.

Rush. II. p. 288.

The King being always in want, his Ministers were continually employed in devising Means to raise Money. In the Beginning of the Year 1635, the Attorney-General presented an Information in the *Star-Chamber* against several Hundreds of Persons, Lords, Knights, Gentlemen, Ladies, and others, for disobeying his Majesty's Proclamation, by which they were commanded not to stay and reside in *London*. I do not find the Sentence which was given upon this Information; but it is very probable, considering the *Star Chamber's* Zeal to support the King's Authority, that the Parties accused were fined.

Ship-Money is laid upon the whole Kingdom.

The Tax to provide and maintain a certain Number of Ships to guard the Seas, was imposed in 1634, for the Year 1635, only upon the maritime Towns. But in 1635 the King sent his *Writs* for *Ship-Money* all over the Kingdom for the Year 1636*. The Reason or rather Pretence of this general Tax was, that the Kingdom was in great Danger, on account of the League lately concluded between *France* and the *Low-Countries*. Though no body could see how this League, which was not against *England*, could put

* The Reader may see in *Rushworth* II. p. 335, the Distribution of Ships to the several Shires, together with the Sum set on the corporate Towns in each County. For Example,

		Tuns.	Men.	Charge.
If fix one Ship of ———		800	320	8000l.
Corporate Towns.	Borough of <i>Thaxted</i> ———	———	———	040
	Town and Parish of <i>Walden</i> ———	———	———	080
	Town of <i>Colchester</i> ———	———	———	400
	Burrough of <i>Malden</i> ———	———	———	080
	Burrough of <i>Harwich</i> ———	———	———	020

1635.

put the Kingdom in danger, the King however inferred from thence, that the two most powerful *States* in naval Forces being united, it was absolutely necessary that *England* should have a strong Fleet to preserve her Dominion of the Sea, otherwise she might be insulted, and her Trade disturbed. This Tax being imposed by virtue of the Prerogative Royal, several private Persons refused to pay the Sums they were rated at. Nay some there were who sued the Magistrates and other Officers appointed to levy the Money, asserting, that the Subject could not be taxed but by Act of Parliament. This Opposition was the Reason that in the Year 1636 *Ship-Money* amounted but to about Two Hundred Thousand Pounds, though the King expected a much larger Sum. Mean while, the King considering that by help of this Tax he should have a settled Revenue, besides that it would be a Precedent to make use of his Prerogative on other Occasions, resolved to support his Project at any Rate. But to guard it against all Objections of its being illegal, and contrary to his Answer to the *Petition of Right*, he had a mind to show he was authorized on this Occasion to make the most of his Prerogative. To that end he sent to the Judges of the Realm, and required their Opinion concerning the Power he pretended to have to impose this Tax. As the Judges wholly depended upon the Court, they very readily decided the Matter for the King, and gave him their Opinion in Writing *. But the King thought not proper to publish their Determination, being satisfied with keeping it private till there should be occasion to use it, as we shall see hereafter. But I must first speak of some other things which passed in the mean time.

The King requires the Opinion of the Judges concerning this Matter.

* *Whistock* says, after much Sollicitation by the Chief Justice, *Finch* promising Preferment to some, and highly threatening others whom he found doubting, he got from them, in Answer to the King's Letter and Case, their Opinions, as will be seen hereafter. *Whistock*, p. 24.

1635. This Year 1635 the King renewed a former Commission to confirm their *defective Titles* to such as held Lands of the Crown. He pretended it was an Act of pure Grace and Favour, and that his only Aim was to secure the Possession of Lands to those who held them by disputable Titles. But notwithstanding this, the Commission was looked upon as a manifest Oppression. The Truth is, under colour of examining *defective Titles*, all the Proprietors were obliged to produce their Titles, to which, how good soever they might be, the Commissioners made Objections. So, to avoid a Law-Suit with the King, wherein they were sure to be cast, considering how the Judges stood affected, the Proprietors were forced to compound with the Commissioners, and give a Sum of Money to secure their Lands, which were otherwise in danger of being united to the Crown again.

Proclamation to forbid going out of the Realm.
July 21.

Shortly after, the King issued out a Proclamation, commanding all Persons, except Soldiers, Mariners, Merchants, and their Factors, not to depart out of the Kingdom without his Licence. Several Kings of England had ordered the same Thing on some particular Occasions, but it was doubted whether such a Prohibition was necessary when the Proclamation was published.

Abuses of the Informers prevented.
Sept. 6.

The Abuses of the Informers, that is to say, Persons who watched People's Actions, in order to inform against them, in case they infringed the Laws, were grown so very bad, that the King was forced, if not to abolish them entirely, at least, to qualify them by certain Directions which he ordered to be observed.

Juxton made Lord-Treasurer.
March 6.

The Office of Lord-Treasurer, which had been executed by Commissioners, ever since the Death of the Earl of Portland, was conferred on Dr. William Juxton Bishop of London, who discharged it worthily. No Churchman had enjoyed this Post since Henry VIIIth's Time.

This same Year was presented to the King [by ^{1635.} the Earl of *Arundel*] an old Man called *Parr*, who ^{Parr 152} was a Hundred and Fifty-two Years of Age, and in ^{Years old.} perfect Health. He was born in the last Year of the ^{Sept. 29.} Reign of *Edward IV.*

The Elector *Palatine* and Prince *Robert* his Brother ^{The Elec-} arrived in *England* about this time, and were lodged ^{tor Pala-} in the King [their Uncle's] Palace. ^{tine at} ^{London.}

The *Presbyterians* were still plagued and molested ^{1636.} every time an Opportunity offered, or whenever they ^{Divers} gave their Enemies a Handle against them, through ^{Suits about} an Excess of Zeal, which was not always well regulated. ^{the Arians.} *Samuel Ward* a Minister in *Ipswich*, boldly preached ^{Ruth. II.} against the King's *Book of Sports*, and further said, ^{p. 300.} *That the Church of England was ready to ring Changes in Religion.* For which he was suspended by the *Higb-Commission*, and afterwards committed to Prison for refusing to make a publick Recantation. The *Church-Wardens* of *Beckington* in *Somersetshire* refusing to place the *Communion-Table* otherwise than it had been for sixty Years, were excommunicated by the Bishop of *Bath and Wells*. They appealed to the *Archies*, but their *Appeal* was rejected. Then they petitioned the King, but with no better Success. So the *Church-Wardens* stood excommunicated a whole Year, and were afterwards thrown into the *Common-Goal*. Whence at length they were released by the Bishop, upon their publick Submission and *Penance*. It would be too tedious to relate all the *Actions* which were entered in the *Higb-Commission*, about the two Points I have been speaking of. It suffices to observe that the Number was very great, and that the *Higb-Commission* always punished very severely such as dared to swerve from what was prescribed by the *Church*.

On the other Hand, the Archbishop of *Canterbury* ^{The Arch-} ever zealous for the Church of *England*, considered as ^{bishop} *Puritans* all those that neglected the least Rite or Ceremony of that Church. This Prelate being informed ^{intends to} of some Remissness in this Respect, in the two Uni- ^{vise the} ^{Universi-} ^{sities.} ^{Ruth. II,} ^{p. 324.}

1636. versities, could not bear such an Abuse. There were at Cambridge three Churches where Divine Service was daily celebrated, though they had never been consecrated. This Neglect, which to him seemed so blameable, exciting his Zeal, he resolved to go and visit the Universities as Metropolitan. He met with some Opposition; the Universities maintaining that he had not the Right of visiting as Archbishop, though they did not deny he might do it by the King's Commission, if his Majesty was pleased to grant him one. But not being satisfied with a borrowed Power, he brought the Case before the King, who decided it in his Favour, after having himself backed the Archbishop's Reasons with some Arguments, and answered the Objections of the Universities. The Archbishop being so well supported, could not fail of carrying the Day*.

Opposition.

The King gives it
for him.

Proclamation to
forbid For-
eigners to
fish on the
Coast of
Great-
Britain.
May 10.
Rush II.
p. 322.

The King being determined, as I said, to continue the Tax for the Maintenance of the Ships designed to guard the Seas, and having last Year given Orders for the Levying it this present Year 1636, found himself obliged to seek a Pretence to keep up a Fleet. This Tax, called by the *English Ship-Money*, and which for shortness I shall term so too for the future, was grounded upon the Necessity of guarding the Seas. But no body could perceive the Danger, which, according to the King, *England* was exposed to by the Alliance between *France* and *Holland*. To this Pretence therefore was to be added that of preserving the Dominion of the two Arms of the Sea between *England* and *France*, and between *Germany* and *Great-Britain*, which by the *English* are called the *Narrow Seas*. To that End he issued out a Proclamation, declaring,

Whereas

* About this time the *New Statutes* for the University of *Oxford* were finished and published in *Convocation*. The Preface disparaged King *Edward VI's* Times and Government, declaring the Discipline of the University was discomposed by that King's Injunctions, and that it did revive and flourish again in Queen *Mary's* Days under Cardinal *Pole*; when, by the much to-be-desired Felicity of those Times an inbred Candour supplied the Defect of *Statutes*. Rush. II. p. 324.

Whereas King *James* did in the seventh Year of his Reign, set forth a Proclamation touching Fishing; whereby all Persons of what Nation or Quality soever, (being not his Natural-born Subjects) were restrained from Fishing upon any of the Coasts and Seas of *Great-Britain, Ireland,* and the rest of the *Isles* adjacent, until they had orderly obtained Licences in that behalf. Since which Time, neither the King his Father, nor himself have made any considerable Execution of the said Proclamation, but have expected a voluntary Conformity thereto. But now finding by Experience, that all the Inconveniences which occasioned that Proclamation, are rather increased than abated; and his Majesty well knowing how far he is obliged in Honour to maintain the Rights of his Crown, has thought it necessary to renew the aforesaid Restraint of Fishing, and to declare, that his Resolution is to keep such a competent strength of Shipping upon his Seas, as may be sufficient both to hinder farther Encroachments upon his Regalities, and assist and protect those his good Friends and Allies, who shall henceforth with Licence endeavour to take Benefit of Fishing upon his Coasts.

These Friends were the *Hollanders*, who came every Year and fished for *Herrings* on the Coast of *Scotland*. It was manifest therefore, that after Thirty Years Forbearance he picked a Quarrel with the *Dutch*, only to have Occasion to fit out a Fleet, which served for pretense to impose the Tax of *Ship-Money*. This Quarrel gave Birth to the two famous Treatises, entitled, *Mare Liberum*, and *Mare Clausum*, the former penned by *Grotius*, the latter by *Selden*. But the King regarded not Arguments drawn from History, or antient Treaties between the two Nations; he made use of a more effectual Method, namely, a Fleet under the Command of *Algernon* Earl of *Northumberland*. This Fleet falling upon the dispersed Fishermen, who little expected any such Thing, and

The King's Fleet attacks the Dutch Fishermen, who compounded with the King.

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sinking some, compelled the rest to retire into the *English* Harbours as the safest Retreat, and in fine, to give the King Thirty Thousand *Florins* for Permission to go on with their Fishing that Summer *

*A Commission to
bear Depopulation.
Rush.
Vol. II.
p. 333.*

Shortly after, the King got Thirty Thousand Pounds by a Commission to inquire concerning Depopulations and Conversions of arable Lands to Pasture, since the 10th Year of *Queen Elizabeth*. There were abundance of Offenders of this kind, and so heavy a Fine was imposed in the *Star-Chamber* on *Sir Anthony Roper*, that the rest, in order to avoid the same Treatment, made haste and compounded with the King.

*The King
will not
give up
Ship-Money.*

But the Tax of *Ship-Money* was the Thing of the greatest Moment, and what the Court minded the most. The King neither would nor could give it over, for three principal Reasons. First, he should be deprived of a very considerable Aid, which he meant to render fixt and customary. Secondly, in desisting from this Tax after levying it two Years together, he would have given Ground to believe he had no Power to impose it, and consequently had acted contrary to Law. Thirdly, having resolved never more to call a Parliament, it highly concerned him to establish his Prerogative in such a manner that none should dare to question it. So the City of *London* having petitioned the Board, that the Twenty Ships they were rated at, might be reduced to Ten, received a very sharp Answer to this Effect :

*The Petition of the
City of
London
in vain.*

*Rush.
Vol. II.
p. 334.*

‘ That the Tax of *Ship-Money* was necessary for the Preservation of the State ; and the Charge was not immoderate ; That his Majesty would admit of no Excuse, but expected a ready Compliance : That the Precedents alledged in Favour of the City ought

* The *Dutch* agreed to give the King Thirty Thousand Pounds for this Summer, which was paid accordingly ; and expressed their willingness to obtain a Grant from the King, for their Permission to Fish for the Time to come, paying a yearly Tribute. *Rush. II. p. 322.*

ought to induce them to obey, rather than to contradict and direct the King.

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Notwithstanding all this, there were some that obstinately refused to pay their share of this Tax, imagining no Court of Justice would be so hardy as to compel them. As these Examples were of dangerous Consequence, the King thought it proper to publish the Opinion of the Judges. To that End, the Lord-Keeper having assembled all the Judges in the *Star-Chamber*, told them the King was very well pleased with their Endeavours in their *Circuits*, to bring his Subjects to pay *Ship-Money*: But however, his Majesty having heard of some that refused to pay this Tax, had thought good to have Recourse to their Advice for his Direction in this Case, and had commanded him to publish their Opinions for the Satisfaction of his Subjects. Then he caused the King's Letter to the Judges on this Subject to be read as follows.

*Several
Law-Suits
about
Ship-Mo-
ney.
The King
publishes
the Judges'
Opinion.*

Carolus Rex.

TRufty and well-beloved, We greet you well: Taking into our Princely Consideration, that the Honour and Safety of this our Realm of *England*, (the Preservation whereof is only entrusted in our Care) was, and is now, more nearly concerned than in former Times, as well by divers Counsels and attempt to take from us the Dominion of the Sea, of which we are the sole Lords, and rightful Owners, the loss whereof would be of great Danger and Peril to this Kingdom, and other our Dominions; We for the avoiding of these and the like Dangers, well weighing with ourselves, that where the Good and Safety of the Kingdom in general is concerned, and the whole Kingdom in Danger, there the Charge and Defence ought to be borne by all the Realm in general; did for Prevention of so publick a Mischiefe, resolve

*The King's
Letter to
the Judges
Ruth.
Vol. II.
P. 354.*

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' solve with our selves to have a Royal Navy pro-
 ' vided, that might be of Force and Power, with
 ' Almighty God's Blessing and Assistance, to pro-
 ' tect and defend this our Realm, and our Subjects
 ' therein, from all such Perils and Dangers; and
 ' for that Purpose we issued forth Writs under our
 ' Great Seal of *England*, directed to all our Sheriffs
 ' of all our several Counties of *England* and *Wales*,
 ' commanding thereby all our said Subjects in every
 ' City, Town, and Village, to provide such a Num-
 ' ber of Ships well furnished, as might serve for
 ' this our Royal Purpose, and which might be done
 ' with the greatest Equality that could be; in Per-
 ' formance whereof, though generally throughout
 ' all the Counties of this our Realm, we have found
 ' in our Subjects great Chearfulness and Alacrity,
 ' which we graciously interpret as a Testimony as
 ' well of their dutiful Affections to us and our Ser-
 ' vice, as of the Respect they have to the Publick,
 ' which well becometh every good Subject. Ne-
 ' vertheless, finding that some few, haply out of
 ' Ignorance what the Laws and Customs of this our
 ' Realm are, or out of a desire to be eased, and
 ' freed in their Particulars (how general soever the
 ' Charge ought to be) have not yet paid and con-
 ' tributed the several Rates and Assessments that
 ' were set upon them, and foreseeing in our Princely
 ' Wisdom, that from hence divers Suits and Acti-
 ' ons are not unlikely to be Commenced and Pro-
 ' secuted in our several Courts at *Westminster*: We
 ' desirous to avoid such Inconvenience, and out of
 ' our Princely Love and Affection to all our Peo-
 ' ple, being willing to prevent such Errours as any
 ' of our loving Subjects may happen to run into,
 ' have thought fit in a Case of this Nature to ad-
 ' vise with you our Judges, who we doubt not are
 ' all well studied and informed in the Right of our
 ' Sovereignty; and because the Trials of our seve-
 ' ral Courts, by the Formality of Pleading, will re-
 ' quire a long Protraction, we have thought expe-
 ' dient

‘ dient by this our Letter directed to you all, to re- 1636.
 ‘ quire your Judgements in this Case, as it is set
 ‘ down in the inclosed Paper, which will not only
 ‘ gain Time, but also be of more Authority to o-
 ‘ ver-rule any prejudicate Opinions of others in the
 ‘ Point.

‘ Given under our Signet at our Court at *White-*
 ‘ *hall* the second Day of *February*, in the
 ‘ twelfth Year of our Reign 1636.

The King's Letter being read, the Lord Keeper commanded the Case inclosed to be read, being as followeth.

Carolus Rex,

WHEN the good and safety of the Kingdom in *Questions*
 general is concerned, and the whole Kingdom in *proposed by*
 danger, whether may not the King, by Writ under the *the King,*
 Great-Seal of England, commanding all the Subjects of *to the* Judges,
 our Kingdom at their Charge to provide and furnish such
 a Number of Ships, with Men, Viſuals, and Munition,
 and for ſuch Time as we ſhall think fit for the Defence
 and Safe-guard of the Kingdom from ſuch Danger and
 Peril, and by Law compel the doing thereof, in Caſe of
 Refuſal or Refraſtorineſs? And whether in ſuch a Caſe
 is not the King the ſole Judge both of the Danger, and
 when, and how the ſame is to be prevented and a-
 voided?

The Judges Answer.

‘ May it pleaſe your moſt Excellent Maſteſty,

‘ **W**E have, according to your Maſteſty's Com- *The Judges*
 ‘ mand, every Man by himſelf, and all of *Answer-*
 ‘ us together, taken into ſerious Conſideration the
 ‘ Caſe and Queſtion ſigned by your Maſteſty, and
 ‘ incloſed in your Royal Letter; and we are of O-
 ‘ pinion,

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pinion, that when the Good and Safety of the Kingdom in general is concerned, and the Kingdom in Danger, your Majesty may by Writ under the Great-Seal of *England*, command all your Subjects of this your Kingdom, at their Charge, to provide and furnish such a Number of Ships, with Men, Victuals, and Munition, and for such time as your Majesty shall think fit, for the Defence and safeguard of this Kingdom from such Danger and Peril: And that by Law your Majesty may compel the Doing thereof in Case of Refusal or Refractoriness: And we are also of Opinion, that in such Case your Majesty is the sole Judge both of the Danger, and when, and how the same is to be prevented and avoided.' *

John Bramston,
John Finch,
Humphry Davenport,
John Denham,
 * *Richard Hutton,*
William Jones,

* *George Crooke,*
Thomas Trevor,
George Vernon,
Francis Crawley,
Robert Berkley,
Richard Weston.

*The Judges
 Answer
 entered in
 the Courts
 of Justice.*

After the Reading of the Case and Answer, the Lord-Keeper said, The King had commanded him to publish the Judges Determination, and to give Order that it should be entered in all the Courts of *Westminster*. That moreover his Majesty enjoined the Judges to declare the same in their Circuits throughout the Kingdom, to the End no Man might plead Ignorance. That however it was not his Majesty's Purpose to stop the Actions or Suits which have been or should be brought concerning this Matter, but only to prevent such as should have a Mind to bring their

The King's Letter, the Case and Judges Opinion, being distinctly read in Court, in the Presence of all the Judges, except *Crooke*, who at that time was indisposed as to his Health, this same publick Reading seemed a Surprize to some of the Judges present, *Rush. II. p. 356.*

their Action, from being surprized, he concluded with saying, "If any contrary Opinion shall yet remain among Men, it must proceed from those that are *Sons of the Law* ; but you the Judges of the Realm, are and ever have been accounted the *Fathers of the Laws*, then will it ill become the Son to dispute against, or take upon him to be wiser than the Father."

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It is no hard Matter to perceive that the Artifice of the Question proposed to the Judges, lay in the Supposition of some imminent Danger the Kingdom might be in; for Instance, a sudden and unexpected Invasion, which most certainly was not the Case then. And yet upon the bare Possibility of such an extraordinary Case, the King established a Principle which put it in his Power to impose not only *Ship-Money*, but any other Tax he should please for the future. The Judges Prevarication consisted in that feigning not to see the Artifice of the Question, they allowed without Examination the King's Supposition, and decided the present Case upon the Foundation of an extraordinary and unforeseen Exigency which was not impossible. Two of the Judges however, namely, *Hutton* and *Crooke*, were not of the same Opinion: but they prevailed with to sign like the Rest, by the Consideration, that it was the Opinion of the Body. Let it be further observed, that the Order to enter the Judges Determination in the Courts of Justice, and to publish it throughout all Parts of the Kingdom, was very extraordinary, since thereby the King pretended to make of it a Sort of Law, by which the Courts were to proceed in judging the Suits which might afterwards be brought about this Affair. This had never been done but with regard to Acts of Parliament.

Remark on
this Mas-
ter.

After

* " Or from some not towards the Law; Of these I will say, *Felices domum essent Artes si de illis solum judicaret Artifices.* Rush. *ibid.*

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Hamb-
den's Pro-
secution.

After these Precautions, the King thought himself sufficiently authorized to order such to be prosecuted as refused to pay *Ship-Money*. He imagined none would be so hardy and obstinate as to maintain a Refusal before Judges that had already declared their Opinion, and could not give a contrary Judgement without making themselves ridiculous. Nevertheless there was a Gentleman who being persuaded, notwithstanding the Judges Determination, that *Ship-Money* was an illegal Tax, and contrary to the *Petition of Right*, resolved to stand the Brunt, and refuse to pay the Tax. Mr. *Hambden* of *Buckinghamshire* was the Man, who being rated at Twenty * Shillings, chose rather to be condemned than pay voluntarily. This Case was argued in the *Exchequer-Chamber* before all the Judges of *England*, who were sent for to render the Judgement more solemn and authentick. Though the Business was only to decide whether Mr. *Hambden* should pay Twenty Shillings or not, it was however the most important Case that had ever been argued in any Court of Justice. The Point in Question was to determine whether the King had Power to tax the Subject without the Concurrence of the Parliament, and whether the People were obliged to pay Taxes imposed in that Manner. Accordingly, Mr. *Hambden's* and the King's Council displayed on this Occasion all that Wit, Learning, Knowledge of the Laws, Solidity of Reasoning, Subtlety, Chicanry, are able to produce. There were some who pleaded four Days together. I do not suppose it is expected I should insert here all the Arguments alledged on both Sides in this famous Case. I shall content my self therefore with briefly giving a general Notion of the Matter.

Summary
of the
Arguments
on both
Sides.

The King's Council maintained that the King was the Head of the State, and obliged to protect it when in Danger: That this Danger might be such as required an immediate Remedy. From whence they inferred

* Rape by Mistake says Ten.

inferred, that what was alledged in favour of the Laws was to no purpose, since Cases might happen where it was impracticable to observe them; consequently their Execution was limited by Necessity, and in these Cases of Necessity the King has an absolute Power to impose Taxes for the Defence of the Realm; and this they made good by sundry Precedents in former Reigns. They added, as the People were not called to the King's Council to give their Opinion, whether there was a Necessity or not, to impose Taxes for the Safe-guard of the Kingdom, it followed that the King, by the Advice of his Council, was the sole Judge: That his Majesty having deemed it necessary in the present Case, he might lawfully impose *Ship-Money*, and his Subjects could not refuse to pay it, without incurring the Guilt of Disobedience.

The Council for Mr. *Hambden* owned the King was Head of the State, and that it was incumbent on him to defend it; but withal they maintained that the Law had provided the Means to put the Kingdom in a State of Safety, by investing the Person of his Majesty with several Privileges which were intended for that Purpose. For Instance, the Right of being assisted by the Possessors of the Fees of the Crown, of arming the Cinque-Ports, Fines, Confiscations, *Tunnage* and *Poundage*, and other *Customs*, which he was actually in Possession of, and which he had himself declared to be designed for the guarding of the Seas. Lastly, supposing and allowing all these Means to be exhausted, the King had another infallible Way, which was to call a Parliament, and demand a Supply for all extraordinary Occasions.

But the King's Council chiefly insisted upon the Possibility of such sudden and unforeseen Cases as would not afford Time to call a Parliament. This was the main Point their Arguments turned upon, and the sole Foundation of the Advantages they pretended to draw from the Precedents they alledged of former Reigns. Though the Principles they would have

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established tended to put it in the King's Power to impose Taxes whenever he pleased, they durst not say so much in plain Terms, but limited his Power to Cases of Necessity, of which however they would have the King to be the sole Judge, which came to the same Thing.

To this Mr. *Hambden's* Council replied: 1. These Cases were very rare, and granting the King had a Power in such Cases to impose extraordinary Taxes, this Necessity ought to be so evident as to be visible to all. 2. The King upon such a Supposition, having enacted Loans from his Subjects, the Parliament declared them void, and the King in his Answer to the *Petition of Right*, acknowledged he had no Power to demand them. 3. At this present Time, there was no Manner of Reason to fear any sudden Invasion, since his Majesty was in Peace with all his Neighbours. 4. The King himself did not think the Danger to be imminent, since the Writs sent to the Counties to fit out Ships, bearing Date the 7th of *August*, these Ships were not to be at *Portsmouth* till the 1st of *March* following, and consequently the King himself was of Opinion that there was seven Months Time to prevent the Danger, in which Space a Parliament might easily be called,

I shall insist no longer upon this Subject, which would lead me too far, in Case I should relate the Objections, Answers, and Replies of both Sides. It suffices to make this general Remark, that the Council for Mr. *Hambden* went upon express Laws, *Magna Charta*, the subsequent Statutes, and the *Petition of Right*. The King's Council insisted chiefly upon Precedents and Instances taken from some of the former Reigns, and upon the Impossibility in certain Cases, of strictly observing the Laws. From whence they inferred, that the Laws were not so general, but that they were limited by some extraordinary Cases, and the King being bound to defend the State, must be the sole Judge of such Cases. I do not find they endeavoured to prove that the Kingdom was actually

in one of these extraordinary Cases, or in imminent Danger.

After the Cause had been argued many Days, from the Beginning of *November* till *Christmas*, and in the next Terms, till the Months of *May* and *June*, Judgement was given against Mr. *Hambden*, and he was condemned to pay the Sum he was taxed at. From thenceforth no one would have recourse to the Law, since it would have been to no Purpose after so solemn a Judgement *.

Whilst Endeavours were using in *England* to carry the Prerogative-Royal higher than ever, the King came to a Resolution to execute at last the Project he had formed with regard to *Scotland*, namely, to reduce the *Kirk* to a perfect Conformity with the Church of *England*. This Project was laid by King *James* as soon as he came to the Crown of *England*. Nay, he had found Means before he left *Scotland* to restore Episcopacy, as we shall see presently. From that Time the Bishops were always protected and countenanced by *James* I, and *Charles* I, who managed it so as to gain the Parliaments to their Side, and moreover exerted their Prerogative in favour of the Prelates; for with them the Execution of their Design was to begin. As the Troubles this Affair oc-

*The King's
Designs
with
respect to
Scotland.*

* This Cause was not only argued by the King's and Mr. *Hambden's* Council, but afterwards by the Judges at the Bench, and all of them (except *Hutton* and *Crooke*) argued and gave their Judgement for the King. Judge *Crooke* (says *Whitlock* of his own Knowledge) was resolved to deliver his Opinion for the King, and to that End had prepared his Argument: But a few Days before, upon Discourse with some of his Relations, and most serious Thoughts of the Business, and being heartned by his Lady, who told her Husband upon this Occasion, *That she hoped he would do nothing against his Conscience, for fear of any Danger or Prejudice to him or his Family; and that she would be contented to suffer Want, or any Misery with him, rather than be an Occasion for him to do or say any Thing against his Judgement.* Upon these, I say, and the like Encouragements, but chiefly upon his better Thoughts, he suddenly altered his Purpose, and argued and declared his Opinion against the King. *Whit. Mem. p. 24.*

occasioned in *Scotland*, were the principal Causes of the Misfortunes and Ruin of *Charles I.* I think it indispensably necessary to show the first Rise and Beginning of them: And the rather as they had great Influence upon the Affairs of *England*. Besides, though many foreign Authors have spoken of the Differences between *Charles I.* and his Subjects of *Scotland*, I do not know any one that has undertaken to explain this Matter clearly, or that has spoken of it without some Partiality.

*The State
of Episco-
pacy in
Scotland
from the
Reforma-
tion to
1637.*

The Reformation was received in *Scotland* by publick Authority, in the Reign of Queen *Mary* 1560, just before the Death of *Francis II.* and whilst the Queen his Widow was yet in *France*. The first that embraced the Reformed Religion in *Scotland* under the former Reigns, were very much persecuted, even to the Time I have been speaking of, and yet their Number did not fail to increase daily. The Bishops thought themselves bound in Conscience to persecute the Reformed. They were at once both their Adversaries and Judges, and consequently it was next to impossible, but this Conduct must draw on them the Enmity of the Sufferers. Accordingly the Decree of the States to admit the Reformation was so sooner made, but the Bishops lost all their Credit and Authority. It is certain the Plan on which the Government of the new Church was settled out of Hand, was so far from being favourable to Episcopacy, that it was conformable to the Discipline of the Churches of *Switzerland*. The Reformed had too great an Aversion for the Bishops, to remain under their Yoke, especially as there were but very few Prelates that agreed to the Alterations made in Religion. All that was done in their Favour was, that the Council ordered such of them as would embrace the Reformation should enjoy their Revenues; on Condition they maintained Ministers. This plainly shows, that though their Revenues went left them, there was no Intention to continue the Government of the Church in their Hands. It was not the same in *England*, when the Reformation

Reformation was received there in the Reign of Edward VI. So far from being prejudiced against the Bishops, the *English* on the contrary could not but owe it was by the Help of the principal Prelates that the Reformation was established. There was therefore no Motive either of Hatred or Policy to incline the *English* to throw off Episcopal Government, even supposing they had looked upon it as a Thing indifferent. But in *Scotland* Passion, Policy and Reason itself required the shaking off the Bishop's Yoke, who for the most Part opposed the Reformation with all their Power, so were established forthwith *Presbyteries*, *National Synods*, or *General Assemblies*, to whose Care the settling the *Discipline* was committed. These General Assemblies had at first, or perhaps usurped, a very great Authority. It was even necessary their Power should be great, that they might be able to defend the Reformation against the perpetual Attacks of its Enemies. Queen Mary, who arrived soon after in *Scotland*, was a zealous *Catholick*, and many of the principal Lords were of the same Opinion. So that the *Popish* Party was still very strong, and in Condition to obstruct the Progress of the Reformation. On the other Hand, the General Assembly, which consisted wholly of Ministers, vigorously supported the new Religion, in spite of the Endeavours of the *Catholick* Party. Mean while, though they laboured heartily to get Episcopacy abolished by publick Authority, they could not obtain of the Parliament an express Act for that Purpose. At last in 1566, the General Assembly solemnly approved of the *Discipline* of the Church of *Switzerland*; and Parity among the Ministers. This was sufficient to overthrow at once the Spiritual Power of the Bishops: But it was not enough to deprive them of their Temporal Privileges. So from the Year 1561, to the Deposing of Queen Mary, the State of the Bishops was very uncertain. They enjoyed their Revenues, sat in Parliaments, but their Spiritual Jurisdiction was owned by few, though they strove to preserve it.

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preserve it. The General Assembly had declared for the Presbyterian Government; but the Parliament was not yet come to any Determination. Mean while the Bishops were in a very melancholy Situation, for the People, who had a great Veneration for the General Assembly, could not acknowledge them for Pastors, after they had been condemned there. So, though their Spiritual Authority was not expressly abrogated by the Parliament, it was, as I may say, reduced to nothing, since they could not exercise it, the General Assembly taking upon them to manage all the Affairs of the Church. This has occasioned warm Disputes concerning Episcopacy, some affirming it was entirely abolished in *Scotland*, and others, that it was all along kept on Foot. One cannot at first Sight but wonder at a Dispute about a Fact of this Nature, and it is no less surprizing that the Parliament of *Scotland* should delay above Thirty Years to settle the Government of the Church by their Authority. Wherefore it is absolutely necessary to shew the Reason of it. Otherwise it would be no easy matter to understand the Causes of the Troubles of *Scotland*, of which we must necessarily speak. But before I descend to Particulars, it will be requisite to observe, that we must carefully distinguish the *Benefice* from the Office of a Bishop. By the *Benefice*, I mean the Revenues, Lands, Honours, Privileges, in a Word, all *Temporal* Matters annexed to the Quality of a Bishop. By the *Office*, I understand the *Spiritual* Jurisdiction and Functions of the same. If this Distinction is not always kept in mind, it will not be possible to understand the Disputes concerning this Matter.

It is certain that from the Year 1560, when the Reformation was established in *Scotland*, to the Year 1609, the Church of that Kingdom was governed by *Presbyteries*, *Diocesan* and *Provincial Synods*, *General Assemblies*, and that even *Superintendants* were appointed, who continued till the Year 1575. It is no less certain that the General Assemblies condemned and rejected Episcopal Government for above Thirty Years

Years together, and that during that Space, they constantly demanded and earnestly solicited the Abolition of Episcopacy, with respect both to *Temporals* and *Spirituals*. Nevertheless, from the Beginning of the Reformation till 1592, no express Act of Parliament could be obtained, whether for or against Episcopacy; or to approve or reject the *Presbyterian Government*, if we except the Interval between the Years 1571 and 1575, of which I shall speak hereafter.

For the better Understanding of the Sequel of the Second Article, it will not be amiss to give a brief Account of the present Government of the Kirk of Scotland. In Scotland are Eight Hundred and Ninety Parishes, each of which is divided in proportion to its Extent, into particular Districts, and every District has its own *Ruling Elders*, (that is, Men of the principal Quality and Interest in the Parish) and *Deacon*, (that is, one that has a Competency, and is of a good Character for Manners and Understanding.) A Consistory of *Ministers, Elders* and *Deacons*, is called a *Kirk-Session*; the lowest Ecclesiastical Judicatory, which meets once a Week to consider the Affairs of the Parish. The Minister is always *Moderator*, but without a Negative. Appeals lie from hence to their own *Presbyteries*, which are the next higher Judicatories. Scotland is divided into Sixty-nine *Presbyteries*, each consisting of from Twelve to Twenty-four contiguous Parishes. The Ministers of these Parishes, with one *Ruling Elder* chosen Half-yearly out of every *Kirk-Session*, compose a *Presbytery*. They meet in the head Town, and chuse their *Moderator*, who must be a Minister, Half-yearly; he is only *Prolocutor*. From hence Appeals lie to *Provincial Synods*, which are composed of several adjacent *Presbyteries*, Two, Three, Four, to Eight. There are Fifteen in all. The Members are the Ministers, and a *Ruling Elder* out of every Parish. These Synods meet twice a Year, at the principal Town of its Bounds. They chuse a *Moderator*, who is their *Prolocutor*. The Acts of the Synods are subject to the Review of the *General Assembly*, the dernier Resort of the Kirk of Scotland. It consists of Commissioners from *Presbyteries, Royal Burghs, and Universities*. A *Presbytery* of Twelve Ministers, sends Two Ministers and one *Ruling Elder*. Of between Twelve and Eighteen, it sends Three and one *Ruling Elder*. Of between Eighteen and Twenty-four, sends Four and Two *Ruling Elders*. Of Twenty-four, sends Five and Two *Elders*. Every *Royal Burgh* sends one *Elder*, and *Edinburgh* two. Every University sends one Commissioner, usually a Minister. The Assembly meets once a Year.

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Had the General Assemblies confined their Demands to the abolishing of Episcopacy as to the spiritual Functions, it is very likely they would have succeeded with ease. But after having abolished the Episcopal Office as far as in their lay, they were not contented with desiring that what they had done might be confirmed by the Parliament, but demanded also that the very Name of Bishop might be abolished, and the Bishops deprived of all sorts of Temporal Honours and Privileges, as the Right of sitting in Parliament and the like. But the Court always opposed it strenuously, because the Bishopricks and Abbies being filled by the King, he could almost depend upon as many Votes in Parliament as there were Bishops and Abbots. For the same Reason the Court, by under-hand Practices, hindered the Parliament from passing an Act to establish Presbytery, and to abrogate the Spiritual Jurisdiction of Bishops, because it was perceived that this would be a Step towards depriving them of their Temporal Honours. Not but that, in the actual Practice of the Church, Episcopacy was really abolished, and Presbytery established; however, as long as there was no express Act to abolish Episcopacy, the Bishops and Abbots could not be prevented from having a Vote in Parliament, which was a great Advantage to the Court. So the Name and Title of Bishops and Abbots still continued. They held the Lands annexed to their Benefices, and enjoyed the same Temporal Privileges as their Predecessors had done, though the Office was ceased. This is so true with respect to the Abbots, that the Matter is out of all dispute. The Abbies were in the Possession of Laymen, who sat in Parliament by the Name and Title of Abbots. As to the Bishops, the Thing is not so evident, because the Title of Bishop was conferred on Churchmen. Had the Court bestowed the Bishopricks upon Laymen, it would have been giving the General Assembly too great an Advantage, who desired nothing more than a plausible Pretence to press the Abolition of the Temporal

Temporalism of the Prelates. This demonstrates that a Man may justly say, that, at the same time, there were and there were not Bishops in Scotland. There were Bishops, if we consider that there were Persons so called, who held the Lands and Revenues of the See; and who, as such, had a Seat in Parliament. There were none, with respect to the Spiritual Functions of Bishops, which were really abolished by the Decrees of the General Assembly, and by actual Practice, though the Parliament had not repealed them by an express Act. Upon the Confusion of the Spiritual and Temporal States of the Bishops, all the Objections and Answers in this Matter wholly turn. Some prove very plainly that Episcopacy subsisted in Scotland, provided they confine the Meaning of that Word to *Temporals*: but their Proofs are very lame with regard to *Spirituals*. Others evidently show, that Episcopacy was abolished as to the Spiritual Functions; by virtue of the Acts of the General Assembly. But they cannot make appear that it was abolished with respect to the Temporal Privileges, since the Parliament had not yet determined any thing. As neither can produce an express Act of Parliament, at least till such a Time, they alledge some from whence they endeavour to draw Inferences to their Advantage. But this requires a farther Explanation. For the better Understanding this Matter, we must necessarily distinguish the various Junctures Scotland was in, after the Beginning of the Reformation, namely, in the Reign of Mary, in that of James VI during his Minority, under the same Prince, after the taking the Government into his own Hands, according to the several Ministers or Favourites he was guided by; and lastly, under the same Prince after he became King of England. The State of the Bishops depended all this while on the Interests of those who were in the Administration.

The Reign of Mary lasted till the Year 1567. This Queen was a zealous Catholic, and yet as long as the Earl of Murray, her natural Brother had any

Credit

Credit with her, the Reformation was not struck at. But about the End of her Reign, under the Earl of *Botbwell's* Administration, the General Assembly lost ground. However, in 1566 the Decree before mentioned was made, to approve of the Discipline of the Churches of *Switzerland*, and a Parity among the Ministers, which entirely destroyed Episcopacy. But the Queen making little account of this Decree, openly restored the Archbishoprick of *St. Andrews*, notwithstanding the Opposition of the Assembly

All the Time between the deposing of *Queen Mary*, which happened in 1567 till 1679, was a Time of Troubles and Discord, under the Administration of several Regents, whose Authority was not well established: So that it was very difficult for the Parliament to settle the Discipline of the Church. All that can be said is, that they rejected not what was established by the General Assembly, though they gave not their actual Consent to it. On the other Hand, in 1592 and 1593 the Regent, for some private Views, caused some Acts to be passed in favour of Episcopacy, but they were afterwards repealed. These Acts were as follow:

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By the First, which is the 46th of the Parliament holden in 1592, it is declared, *That Archbishops and Bishops have the Authority, and are ordained to convene and deprive all inferior Persons being Ministers, who shall not subscribe the Articles of Religion, and give their Oath for acknowledging and recognoscing of our Sovereign Lord and his Authority, and bring a Testimonial in Writing thereupon, within a Month after their Admission.*

By the Forty-eighth Act of the same Parliament, it is declared, *That Archbishops and Bishops have Authority at their Visitations to design Ministers Glebes.*

By the Fifty-fourth of the said Parliament, *Archbishops and Bishops were authorized to nominate and appoint at their Visitations, Persons in every Parochin for making and setting of the Taxation, for upholding and repairing*

pairing of Kirks and Kirk-yards, and to convene, try, and sentence all Persons that shall be found to have applied to their own use the Stones, Timber, or any thing else pertaining to Kirks demolished.

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By the Fifty-fifth of the Parliament 1573, *Archbishops and Bishops were authorized to admonish Persons married, in case of Desertion, to adhere, and in case of Disobedience, to direct Charges to the Minister of the Parochie to proceed to the Sentence of Excommunication.*

There appears indeed in these Four Acts some Glimpse of the Episcopal Jurisdiction, or at least, it seems that the Parliament did not look upon Episcopacy as entirely abolished. But on the other Hand, if the Bishops actually exercised their Functions at that time, where was the Necessity of the Parliament's authorizing them to act in most of the Things specified in these Statutes? But there is here a stronger Objection still against the Bishops. And that is, they who have cited these Acts in the Manner I have related them, have curtailed them, and passed over in silence the *Superintendents* who were joined with the Bishops, from whence it is inferred, that the Bishops were empowered only as Commissioners of the Parliament.

I proceed now to the Time of King James's being of Age, or at least, of his taking upon him the Government, though he was not really so. The Earl of Morton having lost his Head in 1581, the Duke of Lenox and Earl of Arran ruled the young King as they pleased. They were outed afterwards by the *Ruthens*, but the King recalled the Earl of Arran, who bore a greater Sway than ever. It is certain this Favourite's Design was to take off the King his Master from the Interest of *England*, and to Countenance the Duke of Guise's Project to invade *Elizabeth* by *Scotland*. It was the Favourite's Business therefore to curb the too great Power of the General Assembly, who opposed with all their might the Execution of this Project. The best Way to do this,

was

was not only to protect the Bishops, but also to give them Authority over the Ministers, that these might be more humble. To that End, he procured the Four following *Acts* to be passed in the Parliament of 1584.

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The 130th ran: That none of his Majesty's Lieges and Subjects presume or take upon band to impugn the Dignity and Authority of the Three Estates of this Kingdom, whereby the Honour and Authority of the King's Majesty's supreme Court of Parliament, past all Memory of Man, hath been continued, or to seek or procure the Innovation or Diminution of the Power and Authority of the same Three Estates, or any of them in time coming, under the Pain of Treason.

By the 131st, All Judgements and Jurisdictions as well in Spiritual as Temporal Causes, in Practice and Custom, during the Twenty-four Years by-past, not approved by the King and Three Estates in Parliament, are discharged; and it is defended, That none of his Highness's Subjects of whatsoever Quality, Estate or Function they be of, Spiritual or Temporal, presume, or take upon band, to convocate, convene, or assemble themselves together for holding of Councils, Conventions, or Assemblies, to treat, consult, or determinate in any Matter of Estate, Civil or Ecclesiastical, (except in the ordinary Judgements) without his Majesty's special Commandment, or express Licence had and obtained to that Effect.

By the 132d, Bishops are authorized to try and judge Ministers guilty of Crimes meriting Deprivation.

The 133d ordains, That Ministers exercising any Office beside their Calling, be tried and adjudged culpable by their Ordinaries.

It is manifest that the Intent of these Four *Acts* was to abolish the General Assemblies and Presbytery, and to restore the Episcopal Government. But it must be observed,

1. These

1. These Acts were made during the Tyranny of the Earl of *Arran*, who had formed the Project of admitting into *Scotland* a *Popish* Army, and it is no Credit to the Bishops, that he should think them proper to countenance that Design. 2. The General Assembly solemnly protested against these Acts, maintaining that it was not in the Power of the King and Parliament to settle or alter the Government of the Church, without the Church's Consent; that it could not be justly said, that four Bishops, who were present in this Parliament, and whose Spiritual Power was long since abolished, and four Laymen under the Name of Abbots, were lawful Representatives of the whole Church, or that their Consent to these Acts could be considered as the Consent of the National Church. 3. These four Acts were repealed by the Parliament of 1592.

I must proceed now to another Time when King *James*, freed from the Earl of *Arran's* Tyranny, having given over the chimerical Projects suggested by that Favourite, was better acquainted with his true Interests. I mean the Year 1587. Though in the Beginning of that very Year, *Elizabeth* had beheaded *Mary*, King *James's* Mother, his Trouble for her Death was soon eased by the Hopes of possessing one Day the Crown of *England*, which he was afraid of losing in case he continued to form Projects against Religion, as he had done during the Earl of *Arran's* Ministry. This same Year therefore he gave the Royal Assent to the Act of Annexation, whereby were *Nelson I.* annexed to the Crown, *all Lordships and Baronies per- p. 161.* taining to whatsoever Archbishops, or Bishops, Abbots, Priors, Nuns and Monks; reserving always to Archbishops, &c. and others Possessors of—great Benefices of the Estate of Prelates, and which before had or hath Vote in Parliament, the principal Castles and Fortalices.

It may be inferred from this Act, that the Depriving the Bishops of their Lands, was depriving them withal of the Right of sitting in Parliament, since that Right was founded entirely upon the Possession

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session of the Baronies. Nay, it seems that the Title of Bishop began now to be conferred on Laymen, which gave them only the Possession of the chief Castle belonging to the See. At least we find, that shortly after the Bishoprick of *Calne* becoming vacant by the Death of *Robert* Earl of *March*, the King's Uncle, the General Assembly prayed his Majesty to give that See to a Clergyman.

Id. p. 162.

At last, in 1592, the Parliament repealed and annulled not only the Acts of 1584 above-mentioned, but all such likewise as were contrary to the Discipline then established: *Approving, ratifying, and confirming the Assemblies, Presbyteries and Synods, with the Discipline and Jurisdiction of the Kirk, as most just and godly, notwithstanding whatsoever Statutes, Acts, Canons, Civil or Municipal Laws made in the contrary. Further, they abrogated all Acts, granting Commission to Bishops, and other Judges constitute in Ecclesiastical Causes; and ordained Presentation to Benefices to be directed to Presbyteries, with Power to give Collation thereupon.*

This Act was confirmed in 1593, and the Power of Presbyteries solemnly acknowledged by the Parliament in 1594. *Act* 129.

Was not this sufficient to abolish Episcopacy entirely? By the Act of 1587, the Bishops were dispossessed of their Lands; and by that of 1592 they lost all manner of Jurisdiction. For how could the Power of the Presbyteries and General-Assemblies be consistent with the Episcopal Jurisdiction? And yet, there were Persons who still had the Name of Bishop, by reason of their holding Castles formerly belonging to the Sees: For it does not appear upon what other Account they bore the Name of Bishops. Nay, it is very likely, that several of these sorts of Sees were in Lay-Hands. At least, the Abbeys and Priories were certainly so.

But things remained not long upon the same Foot. Whether the General-Assemblies usurped too much Authority; after they were freed from the Bishops,

or for some other Reasons, the King formed new Projects, and resolved to restore the Bishops. At that time, as on many other Occasions, the Court had so great an Influence over the Parliament, that almost every thing was enacted there that was desired.

The King therefore ordered it so, in 1597, that *Id. p. 164.*
the Privilege of a Voice in Parliament was granted to the whole Kirk; and under that Name to Bishops and Abbots, even as in times of Popistry. As to the Office and Spiritual Government of Bishops, the Parliament remitted them to the King and the Assembly, intending not to derogate from the Provincial and General Assemblies, and other whatsoever Presbyteries and Sessions, nor from the Discipline established in the Kirk.

This *Act* shows, the Bishops had lost their Right of Seat in Parliament, since there was occasion to give it them again. By virtue of this *Act*, they returned their Places in Parliament, and even Sir Robert Spotswood a Layman took his Seat there, as Abbot of *New-Abbey*. The King desired nothing farther at that time than to introduce the Bishops and Abbots again into the Parliament. But he did not stop there, as will be seen presently.

Mean while, as the General-Assembly still continued to oppose strenuously the Promotion of Churchmen to Posts of Authority in the State, and as the People seemed more inclined to follow the Determinations of the General-Assembly than those of the Parliament, there was Danger that this Dissention might in the End raise Disturbances in the Kingdom. To prevent which, the King caused the General-Assembly, held at *Montross*, in the Year 1600, to be pressed so earnestly to consent to what the Parliament of 1597 had granted the Bishops, that they found themselves obliged either to comply, or to break entirely with him. They approved this *Act* therefore, but upon certain Conditions, the Substance whereof was, that the Bishops should act in Parliament only as Commissioners or Deputies of the
Kirk,

Kirk, and should be subject to the General-Assembly. The Conditions laid upon them were these :

They shall obtain a Commission from the General Assembly to act in their Name in Parliament, and shall swear to observe the following Articles.

They shall move nothing, without having an express Order from the *Kirk*, on Pain of being deprived of their Office.

They shall not consent, no not by their Silence, to any thing against the Liberties of the *Kirk*, under the same Penalty.

They shall be accountable to each General Assembly, for their Behaviour in the Discharge of their Commission, since the last Assembly, be obliged to demand the Approbation, and submit to the Determination and Censure of the Assembly without any Appeal, on Pain of being pronounced infamous and excommunicated.

They shall be satisfied with that Portion of their Benefices the King shall please to allot them for their Subsistence, that they may not be a Burden to the Ministers that are already, or shall be hereafter settled in their Benefices.

They shall not suffer their Benefices to go to decay, or dispose of any thing belonging thereto, without the Consent of the King and the General-Assembly, and shall allow that Inhibitions be directed to them for that purpose.

They shall exercise the Functions of Pastors in their own Congregations, and be subject to the Censure of their own *Presbyteries* and the General-Assembly, like the rest of the Ministers that are not commissioned.

In the Administration of Discipline, and in every Thing relating to the Government of the *Kirk*, they shall usurp no Power or Jurisdiction beyond what is adjudged to other Ministers, on pain of forfeiting their Office.

In *Presbyteries* and General and Provincial Assemblies, they shall ~~conduct~~ ^{manage} themselves in the same Manner as other Ministers, and shall be liable to their Censure.

None of those that sit in Parliament shall be Members of the General Assemblies, unless they be expressly deputed by their *Presbyteries*.

It is plain from these Conditions which were inserted in the Act of Parliament made to confirm that of 1597, what was the Intention of the *Montross* Assembly, in agreeing out of Complaisance to the King, that the Bishops should sit in Parliament: The Bishops laid hold of what was for their Advantage, namely, the Assembly's Consent to the Privilege that was granted them: but never performed any of the Conditions. The Court was then propitious to them, but it was still more so, after the King's Accession to the Crown of *England*.

As soon as *James I.* became King of *England*, he formed, as I said, the Project of establishing in the *Kirk* of *Scotland*, the Discipline and *Hierarchy* of the Church of *England*. To bring this Design about, there was a Necessity of restoring the Bishops to all the Rights they had enjoyed before the Reformation, and accordingly he resolved to begin with that. His Power in the Parliament was very great during the last Years of his being in *Scotland*: But it was nothing in comparison of what it was when he sat on the Throne of *England*. It suffices to say, that this Influence was in proportion to the Means he had of dealing to his *Scotch* Subjects Kindnesses and Favours which he had not been able to bestow on them in their Country. We have seen, in the History of his Reign, how he showered his Bounties upon them, which the *English* could not forbear to complain of. It is not then very strange that the Members of the Parliament of *Scotland* should be at his Devotion. He made use of his Credit in the Year 1606, and obtained the following Act of Parliament:

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‘ The ancient and fundamental Policy, consisting
 ‘ in the Maintenance of the Three Estates of Parlia-
 ‘ ment, being of late greatly impaired, and almost
 ‘ subverted, especially by the indirect Abolishing of
 ‘ the Estate of Bishops by the Act of Annexation:
 ‘ Albeit it was never meant by his Majesty, nor by
 ‘ his Estates, that the said Estate of Bishops, being
 ‘ a necessary Estate of the Parliament, should any
 ‘ way be suppressed; yet by dismembring and ab-
 ‘ stracting from them of their Livings, being
 ‘ brought in Contempt and Poverty, the said Estate
 ‘ of Bishops is hereby restored, and redintegratē so
 ‘ their ancient and accustomed Honour, Dignities,
 ‘ Prerogatives, Privileges, Lands, Teindes, Rents,
 ‘ as the same was in the reformed Kirk, most amply
 ‘ and free, at any time before the Act of Annexati-
 ‘ on; rescinding and annulling all Acts of Parlia-
 ‘ ment made in Prejudice of the said Bishops in the
 ‘ Premises, or any of them, with all that hath fol-
 ‘ lowed, or may follow thereupon, to the Effect
 ‘ they may peaceably enjoy the Honours, Dignities,
 ‘ Privileges and Prerogatives competent to them or
 ‘ their Estate since the Reformation of Religion.’

Thus far however it concerned only the *Temporali-
 ties*, there not being in the *Act* one word from
 whence it might be inferred that the Parliament re-
 stored the Bishops to their Spiritual Functions, or
 ancient Jurisdiction. The General Assembly pre-
 tended indeed that the King and Parliament could
 make no Alterations in the *Spirituals*, without the
Kirk's Consent: but they had no Power to hinder
 the King and Parliament from giving the Lands of
 the Crown to whom they pleased, and from ad-
 mitting into the Parliament such as they thought
 proper. But the King did not intend to stop
 there.

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In 1609 the King, under colour of having the *Act* of 1606 confirmed, obtained of the Parliament another *Act*, which in confirming the other added a Clause to it, whereby the Bishops were restored to all their former *Authority, Privileges and Jurisdictions*. By virtue of this last *Act* it was that the Bishops took Possession of the Government of the *Kirk*, in spite of the Conditions of the *Montross-Assembly*, which they made little account of, and which they supposed to be annulled by this *Act*. But the General Assembly protested in form against this *Act*, affirming the Parliament had not Power without the *Kirk's* Consent, to restore a Spiritual Office that had been abolished. They protested also against the Promotion of Churchmen to Civil Posts, as pernicious to Religion. Their Protestation was rejected: but however, it was printed and dispersed over all the Kingdom.

The General Assembly's Opposition had a great Effect upon the People, who did not care for the Bishops, and for Fifty Years had been used to the *Presbyterian* Government. They complained, the Parliament had suffered themselves to be corrupted, to impose upon them an Episcopal Government, which was odious to the whole Nation, not only without consulting the *Kirk*, but even against her Will. This Opposition made the King sensible that notwithstanding the Authority of the Parliament, he should find it very difficult to bring the People of *Scotland* to a Compliance, as long as the General Assembly was against the Restoration of the Bishops. He resolved therefore to cause a General Assembly to be held at *Glasgow* in 1610, where he took care to gain a Majority of Votes before-hand, and of which the Bishops were the chief Managers. The Assembly thus disposed, agreed that the Bishops should resume all their Spiritual Functions, and the Government of the Church. After that, in 1612, the King called a Parliament, who going upon the Consent of the *Glasgow-Assembly*, passed an *Act*, whereby the Bishops were restored to all their Spiritual Rights.

The Bishops Adversaries, struck with this *Act*, saw themselves reduced to Silence, the Torrent being too strong for them to withstand it. Besides, the General Assemblies being grown less necessary, since the Bishops had the Government of the *Kirk*, the King very seldom gave them leave to meet, or if he did at any time, it was not till after he had taken all necessary Precautions to be assured that the Bishops would be the Directors and Managers. In 1617, he obtained farther of the Parliament an *Act*, whereby it was ordained, that the Bishops should be elected by the *Chapters*, and consecrated by the accustomed Rites, that is to say, by those which had been introduced of late Years. As during the Troubles of *Scotland* on account of Religion, the People loudly complained of the Restoration of the Bishops, as we shall see presently, the Consent of the *Glasgow*-Assembly in 1610 was continually objected to them. For this Reason the first General Assembly that King *Charles* was obliged to grant in 1638, found no better Method to evade this Objection, than to declare the *Glasgow*-Assembly void from the Beginning.

Such was the State of Episcopacy in *Scotland*, from the Beginning of the Reformation to the Reign of *Charles* I, who, at his Accession to the Throne, found it fully established, though contrary to the Bent of the Nation in general, as it plainly appeared afterwards. I have already observed that *James* I, had formed the Design of putting the *Kirk* of *Scotland* upon the same Foot with the Church of *England*. He had already made great Progress therein, and *Charles* I, pursued the same Design with still more Earnestness than the King his Father. But as hitherto I have related only what concerns the Bishops, it is necessary, before we speak of the Troubles of that Kingdom, which broke out first in 1637, just to mention the Measures the two Kings had successively taken to compass their Design.

After

After James I. had fully restored Episcopacy in Scotland; as we have seen, he resolved to finish his Work by Degrees! To that purpose he began with the Five Articles mentioned in the History of his Reign; which he got to be approved by the General Assembly of *Pertb*, by Means as illegal perhaps as violent *. The Bishops bore an absolute Sway in the *Presbyteries*, by making themselves *Moderators*, so that it was not possible to chuse any for Deputies to the Assembly General, but such as they thought proper. However this be, the Five Articles having been approved of, the King, who by long Experience was thoroughly acquainted with the Temper and Character of the *Scots*, thought it necessary before all things to curb the Petulancy and Boldness of the Ministers, for fear they should raise Disturbances in the Kingdom. The People held them in great Veneration, which was even increased after the Restoration of the Bishops, because these last were more careful to maintain their Grandeur and Power, than gain the Love of their Flocks. To compass his Ends, the King set up in Scotland a *High-Commission* *, like that in *England*, but which till then was unheard-of in Scotland. As the *Scots* had never given their King the Title of *Supreme Head of the Church*, as was done in *England*, there had been no occasion to establish a *High-Commission* in Scotland to exercise the *Supremacy* in the King's Name. But James I, who was very apt to stretch his Prerogative, readily believed he had no less Right to exercise the *Supremacy* in Scotland than in *England*, though till now he had never thought of any such thing. Be that as it will, by means of this

* See Vol. IX. p. 398, where the Author calls them Four. The Articles were, *Kneeling at the Sacrament, Communicating the Sick, Private Baptism, Confirmation, Keeping some Festivals*. Many Scottish Presbyterians, it seems, were so weak as to believe, that these were the Five Articles condemned at the *Synod of Dort*. See the Five Articles of *Dort*, p. 16. of this Volume.

* See Vol. IX. p. 246.

new Court, which was at first very severe, and excommunicated and deprived the Ministers for the least Fault, he kept them so in Awe, that not a Man of them durst venture to stir. This, with the Favours he bestowed upon such as showed a Readiness to countenance his Designs, made him almost sure of succeeding in his Undertaking, which daily went forward. Nothing was wanting to compleat it, but to get the *English Liturgy* and *Canons* to be received in *Scotland*, which done, there would be no manner of Difference between the Churches of the two Kingdoms. This was as easy to be brought about, as what had been done already. So the King having convened a General-Assembly at *Aberdeen*, caused it to be represented to them, that *Divine Service* was performed in the *Kirk of Scotland* after an indecent Manner, every Minister having Liberty to compose publick Prayers, and use what Expressions they thought fit, which thing was liable to great Inconveniences: That it would be proper therefore to draw up a *Liturgy* to be used in every Church in *Scotland*, to the End the People might every where pray to God with one Heart and one Mouth. It must be observed, that it was not moved to receive the *English Liturgy*, but only to compose one on purpose for the *Kirk of Scotland*. Whereupon several Members of the Assembly believed that they might without danger agree, that a *Common-Prayer-Book* should be used; and the rather, as the *Reformed Churches of Geneva, Switzerland, France and Germany* had their *Liturgy*, though very different from that of the *English*. This Motion being approved, the Assembly appointed Commissioners to compose the new *Liturgy*, and we may well believe this was done according to the King's Desire. These Commissioners, the major Part of whom were Bishops, after having spent a considerable Time about this *Liturgy*, only copied that which was set forth in *England* in the Reign of *Edward VI.* and sent it to the King for his Approbation.

The Affairs of the *Palatinate*, and the *Spanish* March so wholly ingrossed King James during the last Years of his Life, that he could not effectually apply his Mind to the finishing the Work he had begun in *Scotland*. As he knew the *Scots* perfectly well, and their strong Prejudice for *Presbyterianism*, he doubtless thought proper to put off the Execution of his Design till he had ended his two main Affairs. He was apprehensive that if any Troubles should unfortunately happen in *Scotland* on account of the *Liturgy*, they might divert him from what he made then the principal Object of his Care. I have related in the History of his Reign how he was amused for many Years, which was the Reason he could not finish before his Death, what he had began, but left it to the Care of his Successor.

Charles I, was no less eager than the King his Father, to establish the *Discipline* of the Church of *England* in *Scotland*. But the Circumstances of his Affairs in the Beginning of his Reign, did not allow him to set about the finishing this Matter with all the Dispatch he desired. His Wars with *Spain*, and afterwards with *France*, his Projects with regard to his Prerogative, his continual Quarrels with the Parliaments kept him fully employed. Besides, it was not proper in these Junctures to rouse the *Scots*, who indeed seemed to be quiet and submissive, but after all were very discontented as the King well knew. He staid therefore till he had made a Peace with *France* and *Spain*, and till he had rendered himself absolute, as it were, by the Dissolution of three Parliaments, by his Resolution, never to call any more, and by establishing his Prerogative concerning Taxes, without the Concurrence of the Parliament. Then it was that he seriously bent his Thoughts to compleat the Reduction of the *Kirk* of *Scotland* to a perfect Conformity with the Church of *England*. He had not however been idle with respect to *Scotland* during these first Years of his Reign. Though he had delayed the Execution of his Design, it was ever in his

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Thoughts, and he had not omitted to take before-hand some Measures which seemed to warrant Success. 1. He had either continued or renewed the *High-Commission* introduced by the King his Father. 2. He had abolished in a Manner the General Assemblies, by not allowing any after he ascended the Throne. 3. He had supported and countenanced the Bishops to such a Degree, that they had the Clergy entirely in their Power, whom they ruled with a very heavy Hand. 4. He had gained a great Number of the Ministers by means of Benefices and Ecclesiastical Offices or Dignities, which were granted only to those whose Compliance he could depend upon. 5. He had filled the Council of *Scotland*, in whose Hands the Administration of Affairs remain in the King's Absence, in such a Manner, that there was scarce a Privy-Counsellor but what was engaged beforehand to promote his Designs. 6. There was in this Council several Bishops, and the Archbishop of *St. Andrews* was vested with the Chancellorship, which is the prime Office of the Kingdom *. 7. He had made sure of the *Lords of Session*, that is, of the College of Justice †, and in a Word, of all those who had Places depending upon the Court. 8. He had charged *Laud* Archbishop of *Canterbury* to hold continual Correspondence with the Bishops and Council of *Scotland*, and take with them all necessary Measures to bring about the grand Design. It seemed then impossible that the King should meet with any Opposition from a scattered People, without Leaders, without Support,

* This Office had never been in the Hands of a Churchman since the Reformation, *Clar.* l. 87. He made likewise four or five Bishops *Lords of Session.* *Ibid.*

† This is said to be one of the noblest and most orderly Courts in *Europe*, instituted by *Philip V.* (after the Form of the supreme Sovereign Court or Parliament of *Paris*) who gave it great Privileges and Immunities. The Lord Chancellor is President. This Court sits from the 1st of *November*, to the last of *February*, and from the 1st of *June*, to the last of *July*. From hence lies an Appeal. It consists of Fourteen Members.

poor, and destitute of the Assistance of their Magistrates. 1636.

With all these Advantages, Charles took in Hand 1637. to finish what remained still to be done in Scotland. *Design to send the new Liturgy into Scotland, put off.* To that End, after a Revival of the *Liturgy* which had been transmitted to the late King, he sent it back into Scotland, with Orders to get it received in the *Kirk*. But upon its being objected that this *Liturgy* being the same Word for Word, with that of the Church of *England*, the *Scots* might take Offence at the imposing upon them the *Liturgy* of another Kingdom, he thought proper to make some Alterations, and ordered that instead of the *English* Version of the *Psalms*, and of the *Epistles* and *Gospels*, the *Scotch* Translation should be inserted in the *Liturgy* of Scotland. After that, he believed it could not be complained of with the least Shadow of Reason, that he had a Mind to impose the *English Liturgy* upon the *Kirk* of Scotland, though there was no other Difference between the two, than what I have just mentioned. *Ruth. Vol. II. p. 286, &c. Annals. Nalson. Clarend.*

Whilst the Revival of the *Liturgy* was in Hand, the King sent into Scotland a Book of *Canons* for the Government of the *Kirk*; and these *Canons* enjoined a Conformity to the *Liturgy*, though it was not yet made publick, nor so much as known to the People. This was so gross a Blunder, that one must needs be surprized that the King and his Ministers could be guilty of it. The Pretence to introduce these new *Canons*, was that the *Acts* of the General Assemblies not being printed, but contained in many large Manuscript Volumes, remained unknown to the People. For this Reason the King imagined they would be obliged to him for his Care in extracting the most material and principal Things, in a little Book which might be in every Body's Hands. It seems sometimes that certain Princes imagine they have a Sovereign Power not only over the Bodies, but also the Understandings of their Subjects, to make them believe the greatest Absurdities. We have here two remarkable Instances. Charles undertakes to persuade the People *The King sends the Book of Canons into Scotland. Clar. I. p. 104.*

1637.

ple of Scotland that he does not intend to impose the *English Liturgy* upon them, though it is the very same, not only in Substance, but Word for Word, under Pretence that the Version of the *Epistles and Gospels* is different. On the other Hand, he would fain make them believe, that the Book of *Canons* is only an Abstract of the *Acts* of their General Assemblies, though the contrary be evident. From the Beginning of the Reformation to the *Glasgow-Assembly* in 1610, that is to say, during the Space of Fifty Years, the General Assemblies had all along condemned and rejected Episcopal Government; and all their *Acts* without Exception, supposed the Presbyterian Government. The Book of *Canons* on the contrary supposed, in every Article the Ecclesiastical Hierarchy, and the Government of the Bishops. How then was it possible to persuade the *Scots*, that this Book of *Canons* was an Abstract of the *Acts* of their General Assemblies? This was making a Fool of them in a strange Manner.

and afterwards the
Liturgy.
Ibid.
p. 108.

The *Liturgy* being ready, the King sent it into Scotland, and appointed it to be read in all the Churches of *Edinburgh* on *Easter-Day* this Year 1637. But upon fresh Considerations, this Order was revoked. The King was given to understand that it might be dangerous to surprize the People with the Reading of the *Liturgy* before they were prepared for it. That it was proper to defer it some Months, in order to see whether in that Interval, the Malecontents would attempt to oppose it. In which Case they might be oppressed before they should have time to take just Measures, and the ill Success of their Attempt would only serve the better to bring the King's Design to a good Issue. This Reason appeared so plausible, that the King ordered the Reading of the *Liturgy* to be deferred till *Sunday* the 23d of *July* the same Year. In all this Interval there was no unusual stir in *Edinburgh*, nor the least Appearance that the King's Orders would meet with any Opposition*. To be

The Liturgy ordered to be read in the Churches of Edinburgh.

* Nor (says my Lord *Clarendon*) was any thing done for the better

BE still more sure of it, the Council caused it to be published Eight Days before, in all the Churches of the City, that the *Liturgy* would be read the *Sunday* following. No Body stirred the whole Week, and all was so quiet in the City, that the Council made no question at all of succeeding.

Nevertheless next *Sunday* the Lord-Chancellor, most of the Lords of the Council, some Bishops, the Lords of Session, or Judges of the Realm, and the Magistrates of *Edinburgh*, repairing to St. *Giles's* Church, the Cathedral of the City, when the *Dean* began to open the Book to read the *Liturgy*, the meaner Sort of People who were in the Church, with clapping of Hands, Execrations and Outcries, raised so hideous a Noise, that there was no hearing a Word. Whereupon the Bishop of *Edinburgh*, who was to preach, stepping into the Pulpit with Thoughts to appease the People, was received with the same Clamours and Imprecations, and if a Stool, thrown at his Head, had not been diverted by the Hand of a Stander-by, would have been in danger of being knocked down. The Lord-Chancellor and Judges found no more Reverence. At last, the Provost and Bailiffs of the City came from their Places, and with much Difficulty thrust out of the Church the enraged Populace, and shutting the Doors, the *Dean* proceeded in the Reading of the *Liturgy*, though continually interrupted by the Noise without, and the Stones that were thrown in at the Windows. There were the same Tumults in all the Rest of the Churches of *Edinburgh*, and yet no Body was killed or wounded. Only the Bishop of *Edinburgh* ran some risk both in the Church and whilst he was going Home. This first Tumult was raised only by the Rabble, no Person of Condi-

*Tumult at
Edin-
burgh.
Clar. I.
p. 111.
Rush.
Vol. II.
p. 388.*

better adjusting Things in the Time of this Suspension, but every Thing left in the same State of Unconcernedness as it was before. Not so much as the Council's being better informed of it, as if they had been sure all Men would have submitted to it for Conscience-sake. He says, the Earl of *Traquair* advised this Delay. Vol. I. p. 104.

1637.

Rush.
Vol. II.
P. 393.

Prepara-
tions for
another
Tumult.

The Coun-
cil's Pro-
clamations
of no ef-
fect.

A second
Tumult
at Edin-
burgh.

tion, or Name appearing in it. The Magistrates of *Edinburgh* openly disavowed these Disorders, and promised the Council to use their best Endeavours to discover and punish the Authors and Abettors thereof. They offered likewise to take order for the Security of the Ministers who should be appointed to read the *Liturgy* another Time, and wrote to the Archbishop of *Canterbury* to clear themselves, and to desire him to represent their Innocence to the King.

Harvest-Time approaching, many People left *Edinburgh*, and went into the Country. Mean while, the Magistrates of the City prayed the Council that the *Liturgy* might not be read, because they had observed the People were not yet disposed to receive it. But in the Month of *October*, after Harvest was over, so great a Concourſe of People flocked to *Edinburgh*, that it was easy to see a fresh Tumult was preparing.

Wherefore the Council issued out three Proclamations. The first, to order all Strangers to leave the City within Twenty-four Hours. A second, for removing the *Session* * from *Edinburgh* to *Dundee* †. A third, for calling in and burning a seditious Book, entitled, *A Dispute against the English-Popish-Ceremonies, obtruded upon the Kirk of Scotland*. The first and last were not much regarded.

On the Morrow, being the 18th of *October*, the People flocked together in a tumultuous manner in the Streets of *Edinburgh*, and seeing the Bishop of *Galloway* as he was going to the Council, a great Multitude followed him all the way with continual Cursings, but however did him no hurt. They even beset the Council-House, demanding the Bishop's Person, though it was in their Power to have seized, nay, to have killed him whilst he was in the Street. The Council finding themselves thus beset, sent to the

* The same as the *Turm* in England.

† The Council and *Session* were removed for the Present to *Lisbgo*, and after much Vexation to *Dundee*. See the Proclamation. Rush. II. p. 401.

the Magistrates to come to their Relief; they re-
 turned Answer, That they were themselves surround-
 ed in their Council-House by their own Citizens, who
 threatened to tear them in Pieces, if they did not imme-
 diately sign a Paper, which for fear of their Lives they
 were forced to do. The Paper contained these three
 Things: *First*, That the Magistrates should join with
 the People in petitioning against the *Liturgy*: *Second*,
 y, That by their Authority they should presently re-
 store to their Pulpits *Ramsay* and *Rollock*, two [silenc'd]
 Ministers, very much beloved by the People: *Third*-
 ly, That they should restore to his Place one *Hender-*
son, a silenced Reader. Upon this the Earls of *Tra-*
quaire and *Wigton*, the first of whom was Lord-Trea-
 surer, came to the Town-House to consult with the
 Magistrates about what was best to be done for the
 Safety of the Bishop of *Galloway*, who was still be-
 set. After this Consultation, the two Earls returning
 to the Council, were insulted by the Populace. The
 Earl of *Traquaire* was thrown down, his Hat, Cloak,
 and *White-Staff* taken from him, the People crying
 out with all their might, *God defend all those who*
will defend God's Cause; and God confound the Service-
Book and all the Maintainers of it. Presently after
 the Provost came to the Council, and declared, That
 although he had used his utmost Endeavours, it was
 not possible for him to appease the People. At last,
 the Lords of the Council applied themselves to some
 of the [Nobility and] Gentry and others who were
 now assembled to sign the Petition against the *Service-*
Book. These Men had more Credit with the Popu-
 lace than the Magistrates, and prevailed with them
 at length to retire. This second Tumult, wherein
 not a Man was killed or wounded no more than in
 the first, seemed however to be more important than
 dangerous, because in the first, none but the Rabble
 were concerned, whereas in this it plainly appeared
 the Mutineers were countenanced by several Lords
 and Gentlemen, as well as by the better sort of Ci-
 tizens.

The

1637.
Another
Proclama-
tion to no
purpose.
Ibid.
p. 405.

The Tumult being appeased, the Council issued out a Proclamation forbidding any Meetings in the Streets or elsewhere, a Proclamation of no manner of use, at a Time when the Council could not be ignorant how much their Authority was contemned by those whom they would have inspired with Fear. And therefore, so far were the Male-contents from being terrified, that they sent their Deputies to the Board to require that the silenced Ministers might be restored to them, and that they might have Security for the punctual Performance of what had been promised them by the Magistrates. The Council could easily see by this Conduct, that the Male-contents had no Design to stop here. And indeed, shortly after, the Lord-Chancellor received two *Petitions*, one in the Name of all the Men, Women, Children, and Servants of *Edinburgh* against the *Liturgy*: The other from the Noblemen, Gentry, [Ministers] and Burgeses of the same City, against the *Liturgy* and Book of *Canons*.

The Wo-
men and
Childrens
Petition to
the Coun-
cil against
the Ser-
vice-
Book.
Ibid.
Vol. II.
p. 405.

The first alledged, ' That they had for a long Time winked at some Alterations, being put in hope that no farther Innovations should follow. But now seeing that they were like to be constrained to embrace another *Service*, not approved by Church and Kingdom, and which had neither been agitated nor received either by General-Assembly or Parliament; and therefore they desired that they might have the Happiness of enjoying their Religion, as it had been reformed in that Land, and authorized by his Majesty.

The Peti-
on of the
Noble-
men, &c.
Id. p. 406

In the second the Petitioners complained, ' That whereas they were attending a gracious Answer to their former Supplications against the *Service-Book*, they were surprized and charged by publick Proclamation to depart out of the Town within Twenty-four Hours thereafter, under Pain of Rebellion; by which their Fears of a more severe and

strict Course of Proceeding were augmented. Wherefore they were constrained to remonstrate, that in the Book of Common-Prayer, drawn up and set forth by the Archbishops and Bishops, were sown the Seeds of divers Superstitions, Idolatry, and False-doctrine, contrary to the Religion established in the Realm by divers Acts of Parliament. That in the Book of Canons, &c. it was ordained, *That whosoever shall affirm that the Form of Worship inserted in the Book of Common-Prayer, and Administration of the Sacraments doth contain any Thing repugnant to the Scriptures, or are corrupt, superstitious, or unlawful in the Service and Worship of God, shall be excommunicated and not be restored, but by the Bishop of the Place or Archbishop of the Province.* That besides it is ordained, that where in any of the Canons there is no Penalty expressly set down, the Punishment shall be arbitrary, as the Bishop shall think fittest. All which Canons were never seen or allowed in any General-Assembly, but were imposed contrary to order of Law appointed in the Realm for establishing Constitutions Ecclesiastical. Lastly, That the Bishops had not only begun to urge the Acceptance of those Things, by Injunctions given in Provincial Assemblies, but also by open Proclamation and charge of *Horning*. Wherefore the Petitioners craved, that this Matter might be put to the Tryal, and the Prelates be taken order with according to the Laws of the Realm, and not suffered to sit any more as Judges, until the Cause was tried and decided according to Justice.

The King thought not fit to Answer these *Petitions*, The King being on the contrary determined to punish severely the Authors of the late Tumults. However in the mean Time he commanded the Privy-Council to issue out a Proclamation on this Occasion, supposing, *The King sends a Proclamation of doubtful meaning.* though

That is, Excommunicating and Outlawing.

1637.

though without any Ground, that it would be capable of satisfying the People. After having mentioned in the Proclamation the *Lords Petition*, &c. he continues to this Effect : ‘ His Majesty is a just Resentment of that foul Indignity, [the late Insurrection at *Edinburgh*,] hath been moved to delay the signification of his Majesty’s gracious Intention, in giving to his Subjects such satisfactory Answers to their Petitions, as in Equity might be expected from so just and religious a Prince : But yet his Majesty being unwilling that his loyal and faithful Subjects should be possessed with groundless and unnecessary doubts and fears, his Majesty is pleased out of his Goodness to declare, That as he abhorreth all Superstition of Popery, so he will be most careful, that nothing be allowed within his Majesty’s Dominions, but that which shall tend to the Advancement of true Religion, as it is at present professed within his most ancient Kingdom of *Scotland* ; and that nothing is or was intended to be done therein, against the laudable Laws of this his Majesty’s native Kingdom.

“ It must be observed, that according to the King, the true Religion was that of the Church of *England*. That by the Religion *at present professed*, he meant, that only which contained the *Hierarchy* and *Episcopacy* ; and by *the Laws of the Kingdom*, he understood those that were enacted after the King his Father’s Accession to the Crown of *England*, and of which I have spoken above. It is at least certain, the Malcontents put this Sense upon his general Expressions, from whence they inferred he was very far from being willing to give over what he had taken in Hand, and still farther from pardoning the late Disorders at *Edinburgh*. For which Reason they resolved to take Measures, not only to screen themselves from the King’s Resentment, but also to cause all the Innovations complained of to be abolished.

Some time after, the Council having removed the *Session to Sterling*, the King sent thither another Proclamation, with Orders that it should be publickly read in the principal Towns of the Kingdom. The Proclamation was to this Effect:

1638.
*Another
Proclama-
tion.*

WE find our Royal Authority much injured [by some late Petitions and Declarations given in to our Council against the Book of *Common-Prayer*, and *Canons* of the Church,] both in the Matter and in the Carriage thereof; whereby we conceive these of our Nobility, Gentry, and others, who kept and assisted these Meetings, for contriving and forming the said Petitions, to deserve and be liable to our high Censure, both in their Persons and Fortunes; yet because we believe, that what they have done herein is out of a preposterous Zeal, we are graciously pleased to dispense therewith, and with what may be their Fault or Errour therein, to all such as upon Signification or Declaration of our Pleasure, shall retire themselves as becometh good and dutiful Subjects: To which purpose our Will and Pleasure is, that you discharge all such Convocations and Meetings in time to come, under the Pain of Treason. And also that you command, charge and inhibit all our Lieges and Subjects, That none of them presume, nor take in Hand, to resort nor repair to our Burgh of *Sterling*, nor to no other Burgh where our Council and Session sits, till first they declare their Cause of coming to our Council, and procure their Warrant to that effect. And as concerning any Petitions that shall hereafter be given us, upon this or any other Subject, we are likewise pleased to declare, we will not shut our Ears therefrom, so that neither the Form nor Matter be prejudicial to our Royal Authority.

Rush.
Vol. II.
P. 731.

This Proclamation was not capable of satisfying the Male-contents. First, there was not a Word concerning

*Remark
on this
Proclama-
tion.*

cerning the Subject of their *Petition*, and by that they could perceive plainly enough the King had no Design to suppress the *Liturgy* and *Canons*. Secondly, the King made them consider as a great Condescension, his being pleased to pardon the Crime they had committed in presenting a *Petition* without his Leave. This let them see that according to the King's Intent, Obedience was the only Course they had to take for the future. Thirdly, the King gave them broad Hints that he would receive no more *Petitions*, since he declared he would reject such as should by the Matter or Form be prejudicial to his Authority. Was not this saying he would reject all? In short, they saw plainly the King in forbidding them to meet together, sought only to disunite them and hinder them from concerting Measures to obtain what they desired. I own, I do not see how the King could flatter himself that such a Proclamation should be able to produce the Effect he expected, and the rather as there were not in Scotland Forces sufficient to back his Authority. The Male-contents were not so stupid as to be ignorant of the King's Design. So on the Morrow, the Earls of *Hume* and *Lindsey*, accompanied with a great Croud of Nobles and People, came and publicly read in *Sterling* a Protestation against the Proclamation, the Presence and Authority of the Council not being able to hinder it. The same Protestation was publicly read at *Lithgow* and *Edinburgh*, immediately after the Proclamation had been published there.

*Protestation of 1608
Male contents.
Feb. 19.*

*Rush.
Vol. II.
p. 732.*

In this Protestation the Male-contents said, ' They had presented a *Supplication* on the 23d of *September*, and another upon the 18th of *October*; as also a *Remonstrance* December the 19th, against the *Service-Book*, and the *Canons*, as well as against the *Archbishops* and *Bishops*; whom they made Parties, having the same Day presented a *Declinator* against them, to prevent their being Judges in their own Cause. But the Council having refused to admit

of this *Declarator*, they found themselves obliged to make the following Protestation.

1638.

1. That they might have immediate Recourse to the King, to present their Grievances, and in a legal Way to prosecute the same before the ordinary competent Judges.

2. That the Archbishops and Bishops, could not be reputed or esteemed lawful Judges, till they had purged themselves of such Crimes as were laid to their Charge.

3. That no Proclamation, nor any Act of Council, past in Presence of the Archbishops and Bishops, could any ways be prejudicial to the Supplicants.

4. That neither they, nor any that had joined, or should afterwards join with them against Innovations, should incur any Danger in Life, Lands, or any Political or Ecclesiastical Pains, for not observing such Acts, Books, Canons, Rites, Judicatures, Proclamations, introduced without or against the Acts of General Assemblies, or Acts of Parliament, and the Statutes of the Kingdom.

5. That if any Inconveniencies should fall out thereupon, they could not be imputed to them, since the Council refused to hear their just Remonstrances.

6. That their Request tended to no other end, but to the Preservation of the true Reformed Religion, and the Laws and Liberties of his Majesty's Kingdom.

Hitherto the King and Council of Scotland had flattered themselves that they should be able to curb the Malecontents by Acts of Authority. But this Protestation plainly showed they were too strong to be compelled to Obedience, by Orders of the Council, or by Proclamation. They were persuaded the King sought only to surprize them, and intended not to desist from his Undertaking. On the other Hand, they had conceived an extreme Aversion for the Bishops,

The Malecontents erect Tables to manage their Affairs.

1638.

Rush.
Vol. II.
P. 734.

shops, looking upon them as the Authors of the Evils the Church groaned under. The more they saw the King was against their meeting together to consult about their Affairs, the more they perceived the Necessity of holding together, otherwise they would be infallibly oppressed one after another. Before then they could know what Effect their Protestation had upon the King, as they expected no good from the Court, they erected at *Edinburgh*, which was at their Devotion, several *Tables* to manage their Affairs. There were Four principal ones: The First of the Lords, the Second of the Gentry, the Third of the Butroughs, and the Fourth of the Ministers. [And the Gentry had many subordinate *Tables*, according to their several *Shires*.] These several *Tables* did consult of what they thought fit to be proposed at the *General Table*, consisting of Commissioners chosen from the other Four *Tables*. Never was Sovereign more punctually obeyed than this *General Table*, by all that were against the Innovations introduced into the Church for Thirty or Forty Years past, that is, by almost the whole Kingdom.

They subscribe the
Covenant.
Rush.
Vol. II.
P. 735.

The first thing that came forth from these *Tables*, was the famous *Covenant*, that is, the Confederacy entered into by the *Scots*, for Maintenance of their Religion from all Innovations. For the better Understanding what this *Covenant* was, it must be observed, that in 1580, whilst the Duke of *Lenox* and Earl of *Arran*, the King's Favourites, were suspected of ill Designs against the Protestant Religion, the General Assembly thought it necessary to draw up a *Confession of Faith*, and caused it to be subscribed by all the Subjects, and by the King himself, to whom they presented a very humble *Petition* on that Occasion. As *James* could not reject this Request, without confirming the People in their Suspicions, which might have been of dangerous Consequence; subscribed the *Confession of Faith* himself, and ordered it to be subscribed by Persons of all Ranks without Distinction. This was done in the Years 1580 and 1581, and the Subscriptions

scriptions were renewed in 1590, with an additional Clause, whereby the Subscribers engaged to maintain the true Religion and the King's Majesty.

It was this *Confession of Faith* of 1580 that was revived this present Year 1638, by Order of the *General Table*, and that was offered to all sorts of Persons to sign. Hitherto, there was nothing that could give the King just Ground of Complaint, at least, as to the Matter, since it was the same *Confession* the King his Father, and the whole Kingdom had signed in 1580 and 1581. It is true, as to the Form, he could justly complain, that his Approbation had not been demanded. But the *Tables* were not satisfied with having the bare *Confession of Faith* subscribed, they added a farther Obligation, whereby the Subscribers bound themselves by Oath, to maintain Religion as it was in 1580, and to reject all the Innovations introduced into the Church since that Time. This was directly contrary to the King's Designs. The Oath, which being annexed to the *Confession of Faith*, was called the *Covenant*, that is, Contract, Agreement, or Confederacy among the Subscribers, ran thus:

1638.

*Explication
of the
Covenant.*

Finally, being convinced in our Minds, and confessing with our Mouths, that the present and succeeding Generations in this Land are bound to keep the foresaid National Oath and Subscription inviolable. We Noblemen, Barons, Gentlemen, Burgesies, Ministers and Commons under subscribing, considering divers times before, and especially at this time, the Danger of the true Reformed Religion, of the King's Honour, and of the publick Peace of the Kingdom, by the manifold Innovations and Evils generally contained, and particularly mentioned in our late Supplications, Complaints, and Protestations, Do hereby, profess, and before God, his Angels, and the World, solemnly declare, that with our whole Hearts we agree and resolve all the Days of our Life constantly to adhere unto, and to defend the foresaid true Reli-

*Oath added to the
Covenant.
Rush. Vol.
II. p. 739.*

' gion, and forbearing the Practice, of all Novati-
 ' ons, already introduced in the Matters of the
 ' Worship of God, or Approbation of the Corrup-
 ' tions of the publick Government of the Kirk, or
 ' civil Places and Power of Kirkmen, till they be
 ' tried and allowed in free Assemblies, and in Par-
 ' liaments, to labour by all means lawful to recover
 ' the Purity and Liberty of the Gospel, as it was
 ' established and professed before the foresaid Nova-
 ' tions: And because after due Examination we
 ' plainly perceive, and undoubtedly believe, that
 ' the Innovations and Evils contained in our Sup-
 ' plications, Complaints and Protestations, have no
 ' Warrant of the Word of God, are contrary to the
 ' Articles of the foresaid Confessions, to the Inten-
 ' tion and Meaning of the blessed Reformers of Re-
 ' ligion in this Land, to the above-written Acts of
 ' Parliament, and do sensibly tend to the Re-esta-
 ' blishing of the Popish Religion and Tyranny, and
 ' to the Subversion and Ruin of the true Reformed
 ' Religion, and of our Liberties, Laws and E-
 ' states; We also declare, that the foresaid Confe-
 ' ssions are to be interpreted, and ought to be under-
 ' stood of the foresaid Novations and Evils, no less
 ' than if every one of them had been expressed in the
 ' foresaid Confessions; and that we are obliged to
 ' detest and abhor them, amongst other particular
 ' Heads of Papistry abjured therein: And therefore
 ' from the Knowledge and Conscience of our Duty
 ' to God, to our King and Country, without any
 ' worldly Respect or Inducement, so far as human
 ' Infirmary will suffer, wishing a further Measure of
 ' the Grace of God for this Effect, we promise and
 ' swear by the Great Name of the Lord our God, to
 ' continue in the Profession and Obedience of the
 ' foresaid Religion; that we shall defend the same,
 ' and resist all these contrary Errors and Corruptions,
 ' according to our Vocation, and to the utmost of
 ' that Power that God hath put into our Hands all
 ' the Days of our Life. And in like manner, with
 ' the

the same Heart we declare before God and Men, That we have no Intention or Desire to attempt any thing that may turn to the Dishonour of God, or the Diminution of the King's Greatness and Authority; but on the contrary, we promise and swear, That we shall to the utmost of our Power, with our Means and Lives, stand to the Defence of our dread Sovereign the King's Majesty, his Person and Authority, in the Defence and Preservation of the foresaid true Religion, Liberties, and Laws of the Kingdom; as also to the mutual Defence and Assistance, every one of us of another, in the same Cause of maintaining the true Religion, and his Majesty's Authority, with our best Counsels, our Bodies, Means, and whole Power, against all sorts of Persons whatsoever, &c.

This Covenant, like an Alarm-Bell, brought all the Scots together that were dissatisfied with the Government, that is, almost the whole Nation. It was subscribed by the great Men and the People, except the Privy-Counsellors, the Judges, the Bishops, and such Ministers as were Dignitaries in the Church. These were the Men who a little before were vested with all the Authority both in Church and State, the King verily believing, that to have those for him, who were in the publick Places and Offices, was sufficient too keep the People quiet. But when the Breach was once made, by the Publication of the Covenant, the Number, not the Quality of Adherents, was the Thing, and then the Royal Party had not above one in a Thousand on their Side. So that the King, Council, Judges and Bishops, were on a sudden without Authority and Power. To urge the Laws was to no manner of Purpose. The Covenant was the only Law the People would follow with respect to Religion, as being bound thereto by a solemn Oath. Thus, the King's Authority being no longer regarded, and the People putting no Confi-

1618.

denier in his Majesty's Promises, because they were persuaded they tended only to deceive them, it is not strange that the King's Endeavours afterwards to extinguish the Flame should prove fruitless. I have dwelt the longer upon the Rise of the Troubles of Scotland, because the Knowledge thereof seemed to me absolutely necessary for the thorough Understanding of what passed afterwards in England. For the same Reason, I am obliged to speak of the Effects the Covenant was attended with in Scotland: but I shall endeavour to be as brief as possible.

*The King's
wrong
Measures
with re-
spect to
Scotland.*

Though Rebellion had as it were set up her Standard in Scotland; and though the King did not well see how he should be able to get out of these Difficulties, he could not yet resolve to give over his Project. He still hoped the Storm that was gathering might by some Artifice be dispelled. So prepossessed was he in favour of the Royal Authority, that although he saw it little regarded, he imagined his Declarations and Proclamations, worded as they were in ambiguous Terms, would be sufficient to bring the Scots to their Duty. But he did not consider that before the Breach the People were obliged in a Manner to shut their Eyes, and seem not to see what they saw: but that when the Breach was once made, the Malecontents were too wise to be taken in his Snares; and too bold or insolent to refrain from setting before the Publick the Artifices that were intended to amuse them. The King was mistaken also in another Thing. As the Scots perpetually pleaded their Laws, he thought to stop their Mouth, by alledging on his Side, the Laws that had been enacted within Forty Years, not considering that these same Laws were the chief Occasion of their Complaints, and the very Things they would have to be annulled. So, in producing these Acts of Parliament, that had approved these Innovations, he only confirmed their Belief that he designed to support them, and consequently it was necessary to use some violent Means to cause him to desist. The King had for him the Laws in force, since they were never

never repealed; and the People believed it was their Duty to abolish these same Laws, which Corruption, Artifice and Violence had imposed upon them, complaining that these new Laws were enacted in Violation of the old. Thus, both Sides complained of the Breach of the Laws.

The Malt-contents said, 'James and Charles had established Episcopal Government in the *Kirk*, contrary to her Consent, who ought to have been consulted in such an Affair, which concerned Religion alone, and which could not be decided but by the General-Assembly. But instead of following the settled Rules of the *Kirk*, Bishops were first introduced into the Parliament, and then, by Help of the Bishops, every Thing that was desired was passed in the Parliament, though the King and Parliament had no manner of Right to appoint new Offices and new Jurisdictions in the *Kirk*, without the Consent of the *Kirk* herself, represented by the General-Assembly, and not by five or six Bishops, with as many Lay-Abbots, who were allowed to sit in Parliament. To bring this Matter about, several other Artifices were used, as bribing the *Glasgow*-Assembly, abolishing General-Assemblies, setting up a *High-Commission*, inconsistent with the Liberties of the Kingdom. In a Word, the King had exercised, and still did exercise a Power repugnant to the Privileges of the Subjects, in imposing upon them a *Liturgy* and *Canons* detested by almost the whole Nation, without asking the Consent of *Kirk* or Parliament. By this Management, no less violent than crafty, the Government of the *Kirk* was entirely altered, not only without the People's Advice but against their Will, as plainly appeared by the vast Number of Subscribers to the *Covenant*, and the Few that refused to sign it. They thought themselves therefore authorized, by virtue of their Privileges, to demand the Restoration of Religion in its Purity, such as it was in 1580, and the Abolition of all Innovations.

The Malt-contents Reasons.

tions. If the King complained that this *Covenant* was made without his Knowledge, he ought to blame none but himself, since he had given them to this Extremity, by refusing to give Ear to their most humbly *Petitions*. The *Covenant* seemed no otherways repugnant to Law, than upon Supposition the People's Privileges were not invaded, though the contrary was evident. *Scotland* was a Monarchy consisting of a due Mixture of the King's Prerogatives and the People's Privileges. This Mixture was so absolutely necessary, that it was not possible to separate these two Things, without destroying the Constitution of the Government. It was very true, that if the People would enjoy their Privileges, they must pay all due Obedience to the King: but it was no less true, that the King could require this Obedience no farther than he caused the People to enjoy their Liberties. If they should be so senseless as to pretend to a punctual Obedience to such Laws as were for the Benefit of the Crown, whilst the King made no scruple to subvert the Constitution of the Government, by assuming an absolute and despotick Power, they should only supply him continually with fresh Means to reduce them to a perfect State of Slavery. To conclude, the Design of their *Covenant* was not to rob the King of his just Rights, as some would say make him believe, but to hinder him from stretching his Prerogative beyond what the Law allowed.

*The King's
Reasons.*

The King alledged on his Part, 'The *Scots*, under the false Pretence that their Privileges were violated, were hurried into open Rebellion, and refused to pay the King due Obedience. In signing a League directly contrary to the Rights of the Crown, they usurped a Power which was so far from being legal, that it was even repugnant to the Laws. Their Complaints in general about the Breach of their Privileges were ill grounded, since there was but one Article in question relating to Religion

• Religion, that is, to say, not the *Doctrine*, but only
 • the *Discipline* of the Church. Episcopacy had been
 • established in the Church of *Scotland* Time out of
 • Mind. It is true, it had been under a sort of E-
 •clipse since the Reformation, at a Time when the
 • settling of the *Discipline* was more attended to than
 • the reforming of the *Doctrine* of the Church.
 • Presbyterian Government had been established in
 • the Church of *Scotland* by the Authority of Gene-
 •ral-Assemblies only, who were not Sovereigns, and
 • whose Decrees were of no Force, till approved and
 • confirmed by Parliament. From the Year 1561
 • to 1592, the Parliament never approved of Pres-
 •bytery, and if the Parliament held that Year had
 • their Reasons to confirm it, the following Parlia-
 •ments had stronger to abolish it, and restore Epis-
 •copal Government. Herein nothing was done
 • contrary to Law or Custom, since no Man could
 • be ignorant that the Parliament, which represents
 • the whole Nation, has Power to annul and repeal
 • all former *Acts*. The Malecontents could not
 • question this Maxim, without grossly contradicting
 • themselves, since they could have no other Foun-
 •dation for their Presbyterian Government, than
 • the Act of Parliament made in 1592, whereby
 • were repealed all the antient Laws enacted in fa-
 •vour of Episcopacy. How then was it possible to
 • show that the Parliament of 1592 had Power to
 • abolish Episcopacy, and that of 1612 no right
 • to abolish Presbyterian Government? As to the
 • General-Assemblies, to whom was ascribed an ab-
 •solute Power in Matters of Religion, this same
 • Power was either natural or acquired. If natural,
 • whence was it that before the Reformation such
 • Assemblies consisting of Presbyters only without
 • Bishops were never heard of? If it was an acquired
 • Power, they must have received it from the Na-
 •tion, that is, from the King and Parliament. Con-
 •sequently they were subject to the Parliament, and
 • their Acts could have no Validity but what the
 • Parliament

Parliament gave them. If they had received the unlimited Power ascribed to them, where was the Act that granted it, and why did they not produce it? And supposing such an Act were produced, that would not be sufficient, unless it was shown withal, that the Act was irrepealable; else it would remain certain, that they depended upon the Parliament, and consequently their Acts had not the Force they pretended to give them, unless approved by the Parliament, and the Approbation were not repealed afterwards. These General-Assemblies were instituted in the Beginning of the Reformation only, for the Management of Matters, and for the Ease of the King and Parliament in the Examination of what was to be changed or altered with respect to Religion. But it was too true that they had usurped by Degrees an Authority very prejudicial to the Crown, and which it was not proper Subjects should be vested with. As to the *Liturgy*, which the Malecontents spoke so contemptuously of, as if it was intended to be introduced on purpose to lead the People by little and little to *Popery*, he had but one Thing to plead in its Favour, and that is, it was drawn up by Bishops who suffered Martyrdom for the Protestant Religion, and therefore it was extreme Folly to say, such Persons had a mind to restore *Popery*, at a Time when it was notorious they were using their utmost Endeavours to purge the publick Worship of every Thing tending that way. If the King his Father and Himself had desired to introduce it into the Church of Scotland, it was because they believed it very conducive to the Edification of the Faithful, and to the banishing of the Indecency wherewith *Divine Service* was performed in that Church, where every Minister made what Prayers he pleased, and often, without any Pre-meditation, which was a Thing liable to great Inconveniencies. Herein he had nothing in view but the Good and Benefit of his Subjects of Scotland, and

‘ and it was doing him the greatest Injury, to impute to him a Design of introducing *Popery*, which on the contrary he abhorred.’ As to the Book of *Canons*, he cleared himself, in the manner before-mentioned, and therefore it is needless to repeat it here.

After having seen the Reasons of the two Parties, it will not be difficult to conceive the Motives of the Conduct of Both, without my being obliged to stay hereafter and point them out. I shall only add, that the Malecontents having resolved to take Advantage of the Weakness of the King’s Party, and make the most of their *Covenant*, in order to abolish the Innovations they complained of, kept not so much to the most allowable and legal Methods, as to those they believed most apt to enable them to compass their Ends. On the other Hand, the King constantly stuck to the Acts of Parliament which had established these pretended Innovations, feigning not to see the least Occasion of Complaint against Himself or the King his Father, upon that Account.

Things being come to the Pass above-mentioned, by the almost universal Subscription of the *Covenant*, the King resolved to send the Marquiss of *Hamilton* into *Scotland*; to represent his Person under the Title of his *High-Commissioner*. He imagined this *Scotch* Lord, being vested with so eminent a Character, would be able by his Credit and Industry to bring back the People to their Duty, without giving them any real Satisfaction, being still very unwilling to give over his Project. The *Tables* having notice of this, made no question but the King’s Aim was to amuse and surprize them, and therefore they practised all possible ways to divert the impending Danger. I shall not give a particular Account of these Ways, but content my self with saying, that the High-Commissioner was received by the Malecontents with great Coldness and little Respect, and that they prepared on the contrary to withstand him vigorously, in case he offered to assert his Authority.

The King sends the Marquiss of Hamilton into Scotland.

Mean while, the King having sent to *Scotland* a Ship laden with Arms for *Edinburgh* Castle, the *Tables* resolved to seize the same, apprehensive as they were that the King intended to surprize them, whilst he should amuse them with Negotiations. This Resolution could not be put in Execution, because the King's Party having notice thereof, unladed the Vessel with all speed, and carried the Arms to *Dalkeith*, where the Council then was. Whereupon the *Tables* set a Guard near the Gate of the Castle, to prevent these Arms from being carried in. At the same Time, the *Male-contents* received two Ships full of Arms for their Service. The King had much ado to digest this Affront. But the *Male-contents* did not think it prudent to be liable to a Surprize, on pretense that the Rupture between the King and them was not yet fully broke out.

The High-Commissioner being come to *Edinburgh*, offered these Three Propositions to the Consideration of the *Male-contents*.

Rush.
Vol. II.
p. 750.

1. What they should expect to hear in the King's Name for accommodating their Grievances ?
2. What might be expected from them for returning to their Obedience ?
3. That they should renounce and deliver up their late *Covenant*.

Id. p. 752,
753.

- To which they answered,
1. That they insisted upon a General-Assembly and a Parliament.
 2. That they could not return to his Majesty's Obedience, since they had never departed from it.
 3. That they would as soon renounce their *Baptism* as the *Covenant*.

The Marquess had brought with him a Declaration, which however he was not to make use of but in case of Necessity, because the King was unwilling to promise the least Compliance with the Demands of the
Scots,

Scots, unless forced to it. But the Marquess soon perceived it was not possible to bring the Male-contents to Obedience, without amusing them at least with the Hopes that the King would have some regard to their Grievances. He thought proper therefore to publish the Declaration, though it evidently appeared from the very Terms it was worded in, that the King would not make any positive Promise. What follows is the most material Part of the Declaration, and shews wherein consisted the King's Condescension :

And for further clearing of Scruples, we do hereby assure all Men, That we will neither now, nor hereafter, press the Practice of the *Service-Book*, or the aforesaid *Canons*, nor any Thing of that Nature, but in such a fair and legal Way, as shall satisfy all our loving Subjects, that we neither intend *Innovations* in Religion or Laws ; and to this Effect having given Order to discharge all Acts of Council there anent. And for the *High-Commission*, we shall so rectify it, with the Help and Advice of our Privy-Council, that it shall never impugn the *Laws*, nor be a just Grievance to our loyal Subjects ; and what is further fitting to be agitated in General-Assemblies and Parliament, for the Good and Peace of the Kirk, and peaceable Government of the same, in establishing of the Religion at present professed, shall likewise be taken into our Royal Consideration, in a free Assembly and Parliament, which shall be indicted and called with our best Convenience.

The King's Declaration.
Ruth.
Vol. II.
P. 755.

The King must needs have been ill-informed how the Scots stood affected, to imagine that a Declaration with so many Restrictions and ambiguous Expressions should be capable of satisfying them. This Declaration was no sooner proclaimed at the Market-Cross of Edinburgh, but the Tables caused an Answer in Form of a Protestation to be publicly read in the same Place, the Substance whereof was

Protestation against the Declaration.

I. That

Russ.
Vol. II.
P. 758.

1. That no Proclamation or Declaration could settle their Fears, nor secure them from the *re-entry* of any Evil or Innovation.
2. That they positively insisted upon a General Assembly and a Parliament, which the King did not promise to call.
3. That the Proclamation did not mention their Complaints and Grievances, but under the Name of Disorders, Faults, and Misdemeanours, &c.
4. That the King took it for granted he had abundantly and sufficiently satisfied their Fears, by his former Proclamations, and by his present Declaration.
5. That this Proclamation supposed them guilty of an *unlawful Combination*, or Rebellion.
6. That it did not disallow nor discharge any of the Innovations complained of, but left Liberty to any Prelate or Person to practise the same.
7. That it plainly evidenced his Majesty's intentions of pressing the Practice of those Innovations in a legal way, that is, according to those Laws which were the Subject of their Complaints.
8. That his Majesty did not promise to abolish, but only to rectify the *High-Commission*, with the Advice of his Privy-Council, implying the King's Power, with consent of his Council, to establish any Judicatory within his Kingdom, without consent of the three Estates convened in Parliament.

*The Marquis returns to Court. He was sundry Dr-
siftes to break the Measures of the Male-con-
sents.*

The High-Commissioner being better informed of the Affairs of *Scotland*, by what he had seen with his own Eyes, thought it necessary to go in Person and acquaint the King therewith. He made then a Journey to Court, and returned presently after with Power to call a General-Assembly, and a Parliament. But as for the Assembly, he would know beforehand what Persons it should be composed of, and what Matters were to be there debated. The *Tables* rejected this Limitation, as tending to render the Assembly use-
less

less. They gave him to understand likewise, that if the King refused to convene a General Assembly, they believed they were sufficiently authorized to call one themselves. 1638.

Very probably the King's High-Commissioner had Orders to grant a General Assembly, if it could not be avoided, but however to use his utmost Endeavours to manage it so, either that the *Tables* should desist from their Demand, or at least, if he granted an Assembly, to clog this Favour with Conditions that should prevent the King's Designs from receiving any Prejudice. It was doubtless in pursuance of this Order that he presented to the *Tables* Eleven * Articles, which were so many Conditions whereon he was willing to call an Assembly. As he had very likely good Spies, he knew pretty well what the *Tables* intended to do in order to make a General Assembly turn greatly to account, and these Eleven Conditions solely tended to render their Measures of no use. The *Tables* being composed of the most able Persons in Scotland, readily discovered the High-Commissioner's Aim. They replied therefore to these Eleven Articles, so as to let him see it would be no easy Matter to over-reach them. Nevertheless he was not discouraged, and under Colour of complying with the Male-contents, reduced the Eleven Conditions to these Two only, which however contained the Substance of the Eleven, and tended to the same End: *He offers eleven Propositions, which are rejected.* *He reduces them to two.*

* 1. That no *Laicks* should have Voices in chusing the Ministers to be sent from the several Presbyteries to the General Assembly, nor none else but the Ministers of the same Presbyters. Id. p. 762.

* 2. That the Assembly should not go about to determine of Things established by Act of Parliament, otherwise than by Remonstrance or Petition to the Parliament.

* Ten, says *Whitlock* and *Rushworth*.

1638.
*Explication
 of the
 two Pro-
 positions.*

To understand the End and Motive of the first of these Conditions, it must be observed, that it was very plainly perceived in Scotland, since the Glasgow Assembly in 1610, how easily the King could secure a Majority of Votes among the Ministers, whether by Fear or Hopes, or present and effectual Favours. For this Reason the Male-contents had resolved, not to let the Ministers have the Affairs of Religion in their Power any more. To that very end they had created four Tables, whereof that of the Ministers, which was but the Third, could not determine any Thing without the Concurrence of the other Three, and the Approbation of the General Table. Moreover when the Tables had demanded a General Assembly, they had at the same time resolved to order it so, that this Assembly should be composed not only of the Ministers, but also of Lay-Elders, who should be Persons of Authority, and whose Number should exceed that of the Ministers. In short, they meant to cause the Ministers who were to be Deputies for the Assembly, to be elected not only by the Ministers themselves of each Presbytery, but also by the Lay-Elders. The Marquis of Hamilton, who was acquainted with their Purpose, laid therefore a double Snare for them in the former of his two Conditions. The first consisted in that feigning to be ignorant of their Intent to have Lay-Elders chosen for Deputies for the General Assembly, he supposed that it should be composed of Ministers only. The second consisted in that he pretended the Nomination of these Deputies for the Assembly should be made by the Ministers without the Participation of the Lay-Elders. Hereby he endeavoured to break the Measures the Tables had judged necessary to secure themselves from the Articles of the Court.

As to the second Condition, it was evident that by Things already established by Acts of Parliament, he understood all the Innovations complained of, which had been introduced since the Year 1606, and which for the most Part were founded upon Acts of

Parliament, as has been said above. So by this second Condition he broke, still more directly than by the first, the Measures the *Tables* might take to cause these Innovations to be examined, and declared such by the General Assembly. Wherefore the *Tables* rejected these two Conditions, looking upon them as so many Snares to surprize them, since they could not accept them without delivering themselves up to the King's Mercy. This Affair was come to that pass, that the Business in Hand with regard to the *Tables* was not to examine whether the Innovations they complained of were really Innovations, and whether they had Power to require the Abolition of them: They were fully determined as to that. The Thing was only to find the properest Means to procure the Satisfaction they demanded. On the other Hand, the King made not the least doubt of the Validity of the *Acts* of Parliament, whereby these pretended Innovations were established. And it may be he questioned still less his Power to introduce the *Liturgy* and *Canons*. What he thought of only was, to devise the best Means to maintain his own and the Parliament's Authority, and to dispel the Storm that was gathering in *Scotland*.

1638.

The Tables reject them.

Posture of Affairs in Scotland.

The High-Commissioner plainly perceiving he had to deal with Men who were upon their Guard, and that it would not be easy to surprize them, resolved to make a second Journey to *England*, to inform the King how Matters stood. By putting the Malecontents in hopes the King would grant a General Assembly, such as they desired, he prevailed with them with great Difficulty not to proceed to an Election of Deputies before his Return, which was fixed to the 20th of *September*. During his Absence, the *Tables* expecting nothing but new Snares, or fresh Delays from the Court, resolved that a General Assembly should be held on the 22d of *September*. In this Interval they sent to all the Presbyteries, Directions in Eight Articles, not to chuse any suspected Minister, and to elect every where *Lay-Elders*, who should be

The Marquis's return to England.

1638. Persons of Authority, and in greater Number than the Ministers. In a Word, they took all possible Measures to have an Assembly at their Devotion, wherein they succeeded to their Wish, the King's Party being every where so weak, that they were not in Condition to oppose it to any Purpose.

New Proclamation. The High-Commissioner being returned to Scotland with new Instructions, immediately ordered a Proclamation to be published, containing in Substance these Three principal Articles :

- Ruth. Vol II P. 759.*
- 1. That his Majesty revoked the *Service-Book*, the *Book of Canons*, the *High-Commission*, and the Five Articles of *Perth*.
 - 2. That for the future none of his Subjects, whether Ecclesiastical or Civil, should be liable to the Tryal and Censure of the Parliament, or General Assembly.
 - 3. That Persons of all Ranks should be required to sign the *Confession of Faith* of 1580, with the Oath he had annexed, but very different from that of the *Covenant*.

The High-Commissioner convenes an Assembly and Parliament. After publishing this Proclamation, the High-Commissioner convened a General Assembly at Glasgow the 21st of November this Year 1638, and a Parliament at Edinburgh the 15th of May the next Year 1639.

Difference between the King's Covenant, and that of the Male-contents. It was not without Reason that the Male-contents expected some new Snare from the King. Though the *Confession of Faith* which the King ordered to be signed, was exactly the same with that before the *Covenant*, the Oath [or *General-Band*] annexed by the King, ran, That they swore to maintain the Religion at present professed, which was utterly destroying the Oath of the *Covenant*, whereby the Subscribers were bound to reject all the Innovations introduced since 1580. This Snare was so palpable and so very injurious to the King's Affairs, that the Council, to prevent its ill Effects, were fain to make a Declaration,

tion, that the Meaning of the Oath was, that they swore to maintain the Religion professed in 1580: But for all that the *Tables* carried a Protestation against the Proclamation to be publickly read, to show, as they pretended, that the King did not deal sincerely; that by certain ambiguous Clauses, by Restrictions, and Additions, he took away with one Hand, what he gave with the other, and reserved to himself a Liberty to maintain at a more convenient Season, the Innovations he seemed to depart from. 1638.

During the Interval between the Publishing of the Proclamation, and the General Assembly, the High-Commissioner and Council used all possible Endeavours to make all sorts of People sign the *Confession of Faith* as the King had sent it; and the *Tables* on their part forgot nothing to hinder it. But there happened at this very Time, a Matter of great Moment which must not be omitted. A vast Number of Lords, Barons, Gentlemen, Ministers, Burgesses, who were not deputed to the General Assembly, brought to the Presbytery of *Edinburgh* an Information against *David Lindsey* Bishop of *Edinburgh*, and at the same time against all the Rest of the Bishops. The main Point of this Information, which contained several Articles, some whereof doubtless were much aggravated, was that *Lindsey* and his Brethren had not performed the Conditions required of them by the *Montross*-Assembly before-mentioned. The Design of this Information was to prevail with the Presbytery to cite, as they did indeed, the Bishops to appear before the Assembly which was going to be held at *Glasgow*. For as the Abolition of Episcopacy was already resolved upon, it was necessary that the General Assembly should have some Ground or Pretence to prosecute and try the Bishops. This was the Purpose the Information was intended to serve. *Endeavours to get the K's Covenant signed.*
Information brought to the Presbytery of Edinburgh on against the Bishops.
The Intent of it.

The General Assembly met at *Glasgow* on the Day appointed, consisting of such Members as the *Tables* desired or rather prescribed. The King's Party was so weak that they durst not hold up their Heads, and the General-Assembly at *Glasgow*. *Account of what passed in the General-Assembly at Glas-*
gow.

1638.

the Matters which were to be debated had been chalked out by the *Tables*, who had sent their Instructions to the Deputies. In a Word, as in the Assembly of 1610, and the following ones, King James had managed so as to have every Thing passed he had a Mind to, the *Tables* had taken the same Care with this, in order to have whatever they did not like annulled. Wherefore the Marquis of *Hamilton's* main Design was visibly to raise Contests and Disputes which should afford him a Handle to dissolve the Assembly.

The first Day was spent in reading the King's Commission. The second Day, a Letter from the King containing nothing extraordinary, was read. Then the Assembly proceeded to the Choice of a *Moderator*: But at the same Time Doctor *Hamilton* presented from the Bishops, a *Declinator*, that is, a Protestation against the Legality of the Assembly, and the High-Commissioner would have this *Declinator* read first. But it was objected, there was no Assembly without a *Moderator*, and consequently it was necessary to begin with chusing one. The High-Commissioner seeing he could do no good, protested against the Refusal to read the *Declinator* before the Choice of a *Moderator*, and ordered his Protestation to be entered. Before the *Moderator* was chosen, the High-Commissioner entered a second Protestation, that this Choice should prejudice neither the King's Prerogative, nor any Law of the Kingdom, nor bar the King from taking legal Exceptions, either against the Person elected, or the Election it self. After that, they unanimously chose Mr. *Alexander Henderson* a Minister for *Moderator*.

The third Day, the High-Commissioner urged that the Bishop's *Declinator* might be read. But he was told, that the Assembly was not formed till the *Commissions of Elections* were examined, and it should be known whether the Deputies were duly authorized. This Affair was of more Importance than it seems to be at first sight. As the *Declinator* contained Reasons

to show that the Election of all the Deputies, for least, if the greatest Part was null and void, it was easy to perceive that these Reasons would come in late after the Commissions of the Deputies should be received, and themselves admitted for Members of the Assembly. The High-Commissioner not being able to obtain what he desired, entered a third Protestation, this Account, and a fourth, the same Day, against the Choice of Mr. Archibald Johnston, Clerk-Register of the Assembly, he having been Clerk of the General-Table at Edinburgh.

On the fourth Day, the Commissions of the Deputies were examined. But the High-Commissioner still entered a fifth Protestation, to take Exception against their Elections in his own due time.

The Examination of the Commissions not being ended the fourth Day, was continued the fifth. It may be imagined, that the Elections which were agreeable to the Instructions of the Tables, were generally approved, and that Means were not wanting to be taken, or entirely reject those which were not so.

On the sixth Day, the 27th of November, was read at last the Bishop's Declinator, wherein they pretend to prove by several Reasons the Illegality of the Assembly. After the Reading of the Declinator, the High-Commissioner caused some other Protestation to be read, which had been sent him from several Places, against the Lay-Elders Right of voting in General Assemblies, and the Elections of the Ministers-Deputies by Lay-men.

The seventh Day, the 28th of November, it was moved in the Assembly to debate, whether the Bishops Cause should be judged, notwithstanding the Declinator. As after several Speeches on this Subject the Moderator was going to put the Question, the High-Commissioner rose up and said, Since they pretended to take upon them to judge the Bishops, could not give his Consent, nor stay any longer with them. Then after a pretty long Speech, wherein set forth his Majesty's gracious Concessions in

1638. last Declaration, he dissolved the Assembly in the Name, and by the Authority of the King, alleging these four principal Reasons.

His Reasons.
Ruth. Vol. II. p. 849.
1638.

1. *Lay-Elders* were introduced into the Assembly to vote there; [which was not warranted by the Law, Practice or Custom of the Church or Kingdom, and] which supposing there were such a Law or Custom, had been discontinued for above forty Years.
2. The Ministers chosen Deputies were elected by *Lay-Elders*, contrary to Custom and Practice.
3. The few Deputies that were chosen contrary to the Instructions of the *Tables*, had been thrown out by mere Cavils.
3. The cited Bishops were to be cited by Persons who had already declared against them.

Remark on this Matter.

It may be observed concerning these Reasons, that the High-Commissioner was not ignorant, before the Assembly met, of the Manner of electing the Deputies, or that the Bishop's Cause was to be brought before the General Assembly. Consequently these same Reasons would have been as strong to hinder the Assembly from Meeting, as they were to dissolve it the seventh Day. But he was unwilling to give the Malecontents a just Handle to complain that he had abused them with the Hopes of an Assembly, when he designed no such Thing. He expected to find in the Proceedings of the Assembly, Causes or Pretences to dissolve it, and his frequent Protestations were so many Expedients he intended to make use of at a proper Season. But in all Appearance he had the King's positive Order to dissolve the Assembly, in Case they should make upon them to try the Bishops, and as this was properly the first Thing that was moved, it was not in his Power to stay for other Pretences. He was forced therefore to use the same Reasons for dissolving, as would have served to hinder the Meeting of the Assembly.

The King found not in the Assembly the Obedience he expected, though with little Reason, considering how the Scots stood affected. It was easy to foresee that the Covenanters who had resolved to hold an Assembly, though the King should not have given his Consent, were not disposed to break up after a Seventh Days Session, without having done any one Thing. They had a Mind to abolish Episcopacy entirely, with all the Innovations brought into the Kirk since the last forty Years; and after all the Steps they had taken, it was not likely they would on a sudden give over their Projects, and return to *Petitions* and *Supplications* which hitherto had proved fruitless. They saw moreover that the King used all sorts of Means to prevent his consenting to their Desires, or if he feigned to have any Condescension for them, it was only to gain Time, and that he reserved to himself the Power of maintaining the Innovations when a more favourable Opportunity should offer. This was their Belief at least, and the sudden Dissolution of an Assembly which had been so earnestly desired, confirmed them therein. Wherefore they were unwilling to let slip so fair an Opportunity. They had the whole Kingdom on their Side, and knew very well that the great Discontents which reigned in *England* would not suffer the King to make any considerable Efforts against *Scotland*. Upon these Accounts it was that the Assembly of *Glasgow* continued their Session by their own Authority, notwithstanding their being dissolved in the King's Name, and in spite of a Proclamation published the next Day, to which they were contented to answer as usual by way of Protestation. Thus the King had the Vexation to see his Authority contemned, and the *Acts* of Parliament procured by the King his Father to introduce the *Hierarchy* into the Kirk of *Scotland*, serve for Foundation and Ground of a *Scottish* Rebellion. Hence Sovereigns should learn not to introduce any Innovations but what are absolutely necessary. It is certain the Reformation had been established in *Scotland* upon the *Presbyterian*-Plan,

1638.

The Assembly refuse to break up, and continue their Session by their own Authority

in the same manner as in *Switzerland, Geneva, France, Germany, the Low Countries*. That this same Government, submitted there, till *James VI* became King of *England*: That this Prince was possessed with the Design of introducing Episcopal Governments; and that *Charles* his Son and Successor was no less eager to pursue the same Project. The Question is not to know whether Episcopal Government is good or bad in itself; but supposing it good and even excellent, the Point is to know, whether the Church of *Scotland* could not be without it, and whether *Charles* had Reasons strong enough to hazard the disturbing the Peace of that Kingdom and his own, in order to support a Design, the Execution whereof was not absolutely necessary.

Acts of the Assembly after the Dissolution.

The General Assembly, having continued their Session themselves, contrary to the King's Order, had no Time to begin and finish with all Speed what had been resolved in the *Tables*. Here follows a *Table* of some of their *Acts*, which will show how much they made it their Business to abolish, as far as in them lay, all the Innovations,

Roth.
Vol. II.
p. 873.

• An Act bearing the *Assembly's Profession* against the Dissolution thereof.

• An Act annulling the six Assemblies holden at *Linlithgow* 1606, and 1608, at *Glasgow* 1610, at *Aberdeen* 1616, at *St. Andrews* 1617, at *Perth* 1618.

• An Act declaring the Nullity of the Oath exacted by Prelates from such as are instituted to Benefices.

• An Act concerning the *Service Book*.

• An Act condemning the *Book of Canons*.

• An Act condemning the *High Commission*.

• Two Acts containing the *Deposition* and *Excommunication* of fourteen Bishops.

• Act clearing the *Meaning* of the *Confession of Faith*, made *Anno* 1580, as abjuring and removing *Episcopacy*.

• An

An Act declaring the *Five Articles of Perth* to have been abjured, and to be removed.

An Act restoring Presbyteries, Provincial and General Assemblies to their Constitution of Ministers and Elders, and their Power and Jurisdiction contained in the *Book of Policy*.

An Act concerning the Power of Presbyters, Admission of Ministers, and choosing of their Moderators.

An Act against the Prophanation of the Sabbath, for want of Afternoon's Exercise.

An Act against those who speak or write against the *Covenant*, or the Assembly.

An Act condemning Chapters, Arch-Deans, Preaching Deacons, and such like *Popish*-Trash.

An Act condemning all Civil Offices in the Persons of Ministers separate to the Gospel, as to be Justices of Peace, sit in Session or Council, to Vote or Ride in Parliament.

An Act appointing the Commissioners to attend the Parliament, and Articles which they are to represent in the Name of the Kirk to the Estates.

An Act discharging Printers to print any Thing anent the Acts of the Proceedings of the Assembly, without a Warrant under the Secretary's Hand.

An Act ordaining the *Covenant* to be subscribed, with the Assemblies Declaration.

An Act discharging all Subscription to the *Covenant*, subscribed by his Majesty's Commissioner, and the Lords of the Council.

An Act renewing the Privileges of yearly General Assemblies, and oftner (*pro re nata*) and appointing the third Wednesday in July 1639 in Edinburgh for the next General-Assembly.

An Act that none be chosen *Ruling-Elders* to sit in Presbyteries Provincial, or General-Assemblies, but those who subscribe the *Covenant*.

1638.

These *Acts* show that the King was not in the wrong when he said, the General Assemblies of Scotland had usurped a kind of Sovereignty in Religious Affairs; Since we see this take the Boldness to null and make void by their Authority, Things that had been established by Acts of Parliament. But, as I said, in the Dispute between the King and his Scotch Subjects, the Business was not to examine the Right of the Parties; but to use the most effectual Means to attain their respective Ends. This was the Course the General Assembly of Glasgow took. As the Parliament was to meet next May, and as they well knew they should be supported, they were desirous to furnish the Parliament with an Occasion to abolish all the Innovations complained of, upon the Ground of its being the general Sentiment of the Kirk. It must be farther remarked concerning this Assembly, that before the Sessions began, the *Tables* had used their utmost Endeavours to hinder the Signing of the *Confession of Faith* of 1580, with the obligatory Clause annexed by the King. But as this did not prevent its being subscribed by many, the Assembly of Glasgow thought proper to explain the *Confession*, and decide, that it virtually contained the Abolition of Episcopacy, though the Bishops were not mentioned. So, by this Explanation, they who had signed the *Confession* by the King's Order, had subscribed to the Abolition of Episcopal Government. The High-Commissioner, hearing the Assembly of Glasgow were upon this Explanation, made haste and published a quite different one, wherein he endeavoured to prove that Episcopacy subsisted in 1580, and consequently, the signing of the *Confession* of that Year could not be construed as abjuring Episcopacy. A very long and particular Answer was made to this Explanation. But without entering into the Discussion of the Facts alledged on both Sides, I shall content my self with observing, that what I said above concerning the Ambiguity in the Word Bishops, must be chiefly applied to these two Pieces. The Marquiss proved very well that the

Name,

The Assembly declares Episcopacy to be abolished by the Confession of 1580.

A contrary Explanation published by the High-Commissioner.

same Title, Temporal Rights of the Bishops, were of abolished by the Parliament till the Year 1580; but when he came to make out that till then the *Kirk of Scotland* had been governed by Bishops, his Arguments were very lame. The *Benefite* had subsisted ill that Year, but the Office was abolished, if not by Act of Parliament, at least by the Custom and Practice of the *Kirk*. On the other Hand, the Authors of the Answer evidently showed, that Episcopacy as to the Office was abolished by the General-Assemblies, as far as lay in their Power, and by the Practice of the *Kirk*: but they could not prove that the Order of Bishops was abolished till the Year 1592.

1638.

Hitherto I have endeavoured to show the Rise of the Troubles of *Scotland*, to the End it may be the better conceived how far the *English* ought to have been concerned in the War which broke out presently after, betwixt the King and his Subjects of *Scotland*.

1639.
Two Parties in
England.

There were two Parties in *England*, the Courtiers and rigid *Episcopalians*, who being religiously attached to the Hierarchy, verily believed the *Scots* were in the wrong to reject so obstinately this same Hierarchy established now these Thirty Years by Acts of Parliament. These looked upon the *Scots* as Rebels, and wished to see them punished as such. The other Party consisted of *Puritans*; under which Name were included not only the *Church-Puritans*, but also the *State-Puritans*; that is to say, all those that were dissatisfied with the Government, and thought the King assumed a Power which belonged not to him. This Party, though without Posts or Employments, and continually oppressed, was however much superior in Number to the other; as plainly appeared afterwards. These Men, far from disapproving the Conduct of the *Scots*, said, that the Kings *James* and *Charles* having manifestly introduced Innovations into the *Kirk of Scotland*, the *Scots* could not be justly blamed for desiring Things might be restored to their former State. We must therefore, when we read the History of these Troubles, carefully note the Au-

thors

1639. those thereof. Some represent the Conduct of the Scots as a downright Rebellion, flowing from a settled Design of breaking all the Bands of Subjection, and Obedience to the King; and of utterly destroying Monarchical Government. Others, on the contrary, speak of the King's Behaviour to the Scots as totally tyrannical, and pretend he had no other Design, but to render himself absolute in Scotland than in England.

The King resolves upon a War with Scotland.

The King's Party in Scotland was extremely weak, and consequently he had no other way left than to use the Forces of England, to reduce the Scots to Obedience. And accordingly this was the Course he took. As soon as he heard that the General Assembly of Glasgow continued their Session by their own Authority; and that the People approved of their Conduct, he resolved to levy an Army in England, to bring the Malecontents of Scotland to their Duty. But as the English might naturally ask, by what Reason were they bound to venture their Lives in Defence of the Interests of the King in Scotland, he thought he should obviate this Objection, by supposing that the Scots had already levied an Army with Design to invade England. From thence he inferred, that it was incumbent upon him to provide for the Defence of the Kingdom, by setting on Foot sufficient Forces to repel the Attacks of his Enemies. There was little probability that the Scots should think of invading England; were they left in quiet; but it was necessary to stir up the English with the Dread of an imaginary Danger.

He supposes it a defensive War.

Summons to the Lords to bring Troops to York. Claren. J. p. 116.

The King thought not proper to call a Parliament to enable him to raise the Forces he stood in need of. He knew but too well by Experience, that he was not to expect any Assistance from the Parliament, unless he would alter his Maxims, and redress the People's Grievances, which he did not intend to do. On the contrary, he flattered himself he should easily reduce the Scots, and then should be more absolute in England. He chose therefore to suppose a defensive War, and on that Supposition he summoned the Nobility

bility to attend him at York the 1st of April following; each with as many Horses as he should be able to raise, and to inform the Courts within a Month of the Number they could bring. In this manner the Kings of England formerly prepared to withstand the Invasions they were threatened with. But the antient Manner and this differed very much in two Respects. First, there were certain Crown-Lands, the Possessors whereof were obliged to find the King Troops, according to the Frontiers that were like to be invaded. The most Part of these Lands lay in the Northern Counties, because of the Neighbourhood of Scotland, which was the only Place from whence Invasions were to be feared by Land. But the Tenants of such Lands lying in Kent or Sussex, were not bound to furnish Troops for the Defence of the northern Borders against the Scots; or the Tenants in the North to defend the Southern Frontiers when threatened by the French. Whereas Charles I. without making any Distinction of Counties, or putting any Difference between those that did and those that did not hold these Crown-Lands, directed his Summons to all the Nobles in general. Again, this Method of raising Troops was never made use of formerly, but when the Kingdom was actually invaded; or in Danger of being so, or at least, when there was a War proclaimed and judged necessary for the Defence of the Kingdom. But Charles I. was contented to suppose only, though contrary to all Appearance, that the Scots intended to invade England, and under Colour of defending the Kingdom, his real Design was to attack the Scots on account of his own Interests.

Remark on these Summons.

1639.
1640.
1641.
1642.
1643.
1644.
1645.
1646.
1647.
1648.
1649.

But as having Troops was not sufficient without Money to subsist them, the King used two ways; besides those already in practice, *Ship-Money* and others; to increase his Revenues. The first was to demand voluntary Contributions of the Clergy, by means of the Archbishop of Canterbury. *Land* wrote for that purpose a circular Letter to the Bishops and all the Clergy, to exhort them to contribute liberally for

The King demands Money of the Clergy.

1639. for the Defence of the Kingdom, which was in extreme Danger of a *Scotch* Invasion. He added, by way of Postscript, that his Majesty expected from the Clergy a larger Sum than that they were wont to give in the usual way. The second Means made use of by the King was, to put the Queen upon writing to the *Catholicks*, to incite them to aid the King on this urgent Occasion. These two Means brought in very near what the King expected.

The Queen writes to the Catholicks on the same Account.

The Counties are obliged to find Troops

Besides the Cavalry the Nobility were to bring to *York*, all the Counties were obliged to find such a Number of Foot, Horse, Dragoons, Artillery-Horses, and a certain Quantity of Ammunition. The whole amounted to 19483 Foot, 1233 Cavalry*, besides the Troops of the Nobility, and 1350 Horses for the Carriages. Moreover, the King fitted out a Fleet of Sixteen Men of War, the Command whereof was given to the Marquis of *Hamilton*, who was come back to his Majesty.

The King comes to York.

Proclamation to abolish Monopolies, Rusb. Vol. II. p. 915.

The King set out for *York* on the 27th of *March*, [his Coronation-Day] and on the 9th of *April* issued a Proclamation to revoke sundry Monopolies, Licences, and Commissions, which he had granted by his *Letters Patents*. But it is very likely this was done only to cast a Mist before the People's Eyes, and that this Proclamation was not executed, since, the next Year, he published another, to revoke the same Monopolies, which should have been abolished by this. On the 19th of *May* the King reviewed his Army, which consisted of 19614 Men, besides 5000 on board the Fleet, his own Guards, and the Garrisons of *Berwick* and *Carlisle*.

The Scots prepare for their Defence. They have Friends at Court.

Whilst the King was making his Preparations, the Scots did not stand idle. They had also drawn Forces together, but their Hopes were not so much built upon their Army as upon their Friends in *England*, and even at Court. Some have suspected the Marquis of *Hamilton*, one of the King's Favourites, of not having,

* Horse and Dragoons amounted to 3260. *Rusb. III. p. 927.*

ving, at this Juncture, served his Master faithfully. 1639.
 As it was the King's Business to exasperate the *Eng-* *The King*
lish against the *Scots*, and persuade them that these *is made to*
 last were in downright Rebellion; on the contrary, *commis*
 it was the *Scots* Interest to show, they never had any *sundry*
 ill Design against *England*, and that if they took up *Overights*
 Arms it was only in their own Defence. They knew
 the Success of the War depended upon the Assistance
England should freely give the King, and not upon
 the Aid he should extort by Force in virtue of his
 Prerogative. And therefore their Friends in *England*
 had advised them to mind two Things especially.
 First, to clear themselves as plainly as possible from
 the Crime of Rebellion, which the King laid to their
 Charge. Secondly, to avoid every thing that might
 excite the *English* to engage in the War, for fear of
 giving the King a Handle to say, they were waging
 an offensive War. They punctually followed these
 two Advices; the former, by dispersing in *England*,
 with the Help of their Emisaries, a great Number
 of Papers, wherein they set forth with all possible
 Clearness the Causes of their Discontents, and the
 King's Intentions. They forgot not to intimate that
 it concerned *England* no less than *Scotland* to withstand
 the arbitrary Power the King was grasping at, as
 well in Ecclesiastical as Civil Affairs. They followed
 the second Advice, by obeying with entire Submis-
 sion a Proclamation published by the King in *Scot-*
land, to forbid the *Scotch* Army to approach within
 Ten Miles of the Borders of *England*. By this Obe-
 dience they evidently showed, the War was not offen-
 sive on their Side. It is not unlikely, that some of
 their Friends had counselled the King to issue out this
 Proclamation, on purpose to afford them an Oppor-
 tunity to give this Proof of it.

But this was not the only Benefit the *Scots* reaped
 from the Counsels given the King by their secret
 Friends. He was made to believe that their Obedi-
 ence to his Proclamation was the Effect of their Fear;
 and thereby he was induced to send another Procla-

1639.
Nalson I.
p. 224.

mation to *Edinburgh*, commanding the *Scots* to lay down their Arms on pain of being declared guilty of Treason, offering however Pardon to all who should comply with his Orders, and return to their Duty. Nothing could be more prejudicial to him in *Scotland*, than such a Proclamation, which showed he required a speedy Obedience without any Terms. But the Magistrates of *Edinburgh* would not suffer it to be published. The same Notion, that the *Scots* were afraid, made him commit another Oversight, in detaching the Earl of *Holland* with Three Thousand Foot, and a Thousand Horse, to march into *Scotland* by way of *Kelsey*. *Lesley*, General of the *Scots*, being informed of the Earl of *Holland's* March, sent Five or Six Thousand Foot, and Five Hundred Horse against him, who made him halt on a sudden. He sent however a Trumpet to command them to retire, according to their Promise. It was answered, he would do much better to withdraw himself; and indeed, he found it proper to take their Advice. The Earl of *Holland's* March, which came to nothing, freed the *Scots* from their Promise of not approaching the Borders, and on the Morrow, *Lesley* marched towards *Kelsey*, with about Twelve Thousand Men. The King began then to perceive that the Obedience of the *Scots* was not owing to their Fears, and that hitherto he had followed wrong Counsels. Wherefore he took a sudden Resolution to stand upon the Defensive, and that very Day wrote to the Marquis of *Hamilton*, who was in the *Firth* with the Fleet, to order him not to begin Hostilities, though he had been sent there to take all possible Advantages upon the *Scots*. But this Resolution was taken a little too late, after what he had just done, at least if he had no other Design than to make the World believe he had undertaken the War purely in his own Defence. But he had a stronger Reason still not to engage too far. For, upon Notice of the *Scots* Approach, most of his Generals had advised him not to give Battle, though he was much superior in Number.

The King
begins to
mistrust
his Friends.
Nalson I.
p. 231.
Vane's
Letters
p. 231.

Nalson I.
p. 232.

ber of Troops, which he could ascribe to nothing but their Backwardness to venture their Lives in his Service.

The two Armies were so near each other, that a Battle was expected every Day, though, in truth, both sides were alike resolved to stand upon the Defensive. But when it was least expected, the Lord *Dumferling* a *Scotchman*, came to the King's Camp with a Trumpet, and presented to his Majesty, in the Name of the *Scots*, a very humble Petition, intreating him to appoint Commissioners to negotiate a Peace. The King answered, he had sent a Proclamation to *Edinburgh*, whereby he offered his Subjects of *Scotland* the free enjoying of their Religion and Laws, with a Pardon to such as should return to their Duty: That this Proclamation had been rejected with Contempt; but he desired it might be published in the *Scotch* Army, after which, he would be graciously pleased to hear their Petitions. The Lord *Dumferling* returning with this Answer, the *Scotch* General ordered the Proclamation to be publickly read in the Army, which done, the King appointed Six Commissioners to treat with the *Scots*.

In the Conference held the 11th of June, between the Commissioners of both Parties, the *Scots* desired Three Things; namely,

1. That the Acts of the late Assembly at *Glasgow* should be ratified in the ensuing Parliament.
2. That all Matters Ecclesiastical might be determined by the Assemblies of the *Kirk*, and Matters Civil by Parliament,

Their Demands.
Ruth.
Vol. III.
p. 941.
Nelson I.
p. 234.

The King's Commissioners were, the Earl of *Arundel* Lord-General, the Earl of *Essex* Lieutenant-General, the Earl of *Holland* General of the Horse, the Earls of *Salisbury* and *Northampton*, and Mr. Secretary *Coke*. The *Scotch* Deputies were, the Earls of *Rothes* and *Dumferling*, the Lord *Lowdon*, and Sir *William Douglas* Sheriff of *Trivale*. Ruth. III. p. 939. 940.

3. That his Majesty's Ships and Forces by Land be recalled; that all Persons, Ships, and Goods arrested be restored; And that all Excommunicate Persons, Incendiaries and Informers against the Kingdom, who had caused these Commotions for their own private Ends, might be returned to suffer their deserved Censure and Punishment.

Upon this the King desiring the *Scots* to set down in writing the Reasons and Grounds of their Demands, the Lord *Lowdon*, one of the *Scottish* Deputies, said, Their Desires were only to enjoy their Religion and Liberties according to the Ecclesiastical and Civil Laws of the Kingdom, and in clearing Particulars, they would not insist upon any that were not such; humbly offering all Civil and Temporal Obedience to his Majesty, which could be required or expected of Loyal Subjects. The King replied, If this was all that was desired, the Peace would soon be made: And indeed, he granted immediately what the Lord *Lowdon* demanded, in the very same Words, and on the same Terms.

Then the *Scottish* Deputies gave in writing the Reasons and Grounds of their Three Demands, and added, it was also desired that Parliaments might be held at set Times, once at least in two or three Years, by reason of his Majesty's Absence, which hindered his Subjects in their Complaints and Grievances to have immediate Access to his Majesty. They took occasion likewise to declare in this Paper, that it had always been far from their Thoughts to refuse due Obedience to their native King, or to make an Invasion upon *England*. They said, these were Calumnies, the Authors whereof, they most humbly desired might be made a publick Example.

It was the 15th of *June* before the King returned his Answer, about which he must needs have been under some Perplexity. He had filled all *England* with Complaints concerning the horrible Rebellion of the *Scots*, and yet, these same People whom he would have

have deemed Rebels, desired only to enjoy their Religion and Liberties. On the other Hand, he had levied a great Army, and fitted out a Fleet on Pretence to defend *England* against the Invasion the *Scots* were meditating: but they solemnly declared they never intended any such thing. At last, he gave his Answer to this Effect.

1639.

1. That he could not ratify or approve the Acts of the General Assembly at *Glasgow*.
2. That notwithstanding, he was pleased to confirm and make good whatsoever his Commissioners had granted and promised in his Name.
3. That according to the Petitioners Desires, all Matters Ecclesiastical should be determined by the Kirk, and Matters Civil by the Parliament.
4. That a Free General Assembly should be held at *Edinburgh* the 6th Day of *August*, and a Parliament at the same Place the 20th of *August* next ensuing.
5. That upon the *Scots* disarming and disbanding of their Forces, dissolving and discharging all their pretended Tables and Conventions, and restoring to every one, whatsoever had been taken and detained from them since the late pretended General Assembly, his Majesty would presently thereafter recall his Fleet, and retire his Land-Forces, and cause Restitution to be made to all Persons of their Ships and Goods, detained and arrested since the aforesaid Assembly.

The King's Answer.
Nelson I.
p. 239.
Rush. III.
P. 944

Upon this Answer the Seven following Articles were agreed upon at length the 17th of *June*, wherein however there was no mention of the principal Occasions of the Quarrel, because these Matters were to be examined by the General Assembly and Parliament of *Scotland*. So, though these Articles were called *Articles of Pacification*, it could not but be a very uncertain Peace, since there was nothing yet decided concerning the Grounds of the War.

1639.

Articles agreed upon.

*Articles of
Peace.
Ru. III.
p. 945.*

1. The Forces of Scotland to be disbanded and dissolved within Eight and Forty Hours after the Publication of his Majesty's Declaration, being agreed upon.
2. His Majesty's Castles, Ports, Ammunition, of all sorts, and Royal Honours to be delivered after the said Publication, so soon as his Majesty can send to receive them.
3. His Majesty's Ships to depart presently after the Delivery of the Castles, with the first fair Wind, and in the Time no Interruption of Trade or Fishing.
4. His Majesty is graciously pleased to cause to be restored, all Persons, Goods and Ships, detained and arrested since the first Day of November, last past.
5. There shall be no Meetings, Treatings, Consultations, or Convocations of his Majesty's Lieges, but such as are warranted by Act of Parliament.
6. All Fortifications to desist, and no further working therein, and they to be remitted to his Majesty's Pleasure.
7. To restore to every one of his Majesty's good Subjects their Liberties, Lands, Houses, Goods and Means whatsoever, taken or detained from them by whatsoever Means since the aforesaid Time.

Pursuant to these Articles, the Scots disbanded their Troops, but in such a Manner, if we may believe the King's Friends, that they could easily draw them together again, in case of Necessity. This seems to me very probable, since it is certain that the Readiness the two Parties showed to conclude a Peace, was an Occasion of Mistrust to both.

As the General Assembly and Parliament were to meet in the Month of *August*, the King appointed the Earl of *Traquair* to represent his Person in Quality of High-Commissioner. This Lord, who was Treasurer of *Scotland*, was entirely devoted to him, and it was with him that the *Scottish* Bishops and Archbishop of *Canterbury* held, before the War, a strict Correspondence, in order to accomplish the King's Designs. The King gave him the following Instructions, signed with his own Hand.

1639-
The King
nominates
the Earl of
Traquair
for his
High-
Commis-
sioner.

INSTRUCTIONS given to the Earl of Traquair, Lord High-Commissioner for Scotland.

C. R.

AT the first Meeting of the Assembly, before it be brought in Dispute who shall preside, you shall appoint him who was Moderator in the last Assembly, to preside in this till a new Moderator be chosen.

Lord Tra-
quair's In-
structions.
Rush. III.
p. 949.

We allow that Lay-Elders shall be admitted Members of this Assembly; but in Case of the Election of Commissioners for Presbyteries, the Lay-Elders have had Voice, you shall declare against the Informality thereof, as also against Lay-Elders having Voice in fundamental Points of Religion.

At the first Opening of the Assembly, you shall strive to make the Assembly sensible of our Goodness, that notwithstanding all that is past, whereby we might have been justly moved not to hearken to their Petitions, yet we have been graciously pleased to grant a free General Assembly; and for great and weighty Considerations, have commanded the Archbishops and Bishops not to appear at this Assembly.

“ You shall not make use of the Affidavit in publick; except you find you shall be able to carry their having Vote in the Assembly. 708

“ You shall labour to your utmost, that there be no Questions made about the last Assembly; and in case it come to the worst, whatever shall be done in Ratification, or with relation to the former Assembly, our Will is that you declare the same to be done as an Act of this Assembly, and that you consent thereto only upon these Terms; and no ways as having relation to the former Assembly.

“ You shall by all means shun the Dispute about our Power in Assemblies; and if it shall be urged or offered to be disputed, whether we have the Negative Voice, or the sole Power of Indulging, and consequently of Dissolving, except you see clearly that you can carry the same in our Favour, stop the Dispute; and rather than it be decided against us, stop the Course of the Assembly until we be advertised.

“ For the better facilitating of our other Services, and the more peaceable and plausible Progress in all Businesses recommended to you, we allow you at any time you shall find most convenient, after the Opening of the Assembly, to declare, That notwithstanding our own Inclination, or any other Consideration, we are contented, for our People's full Satisfaction, to remit Episcopacy, and the Estate of Bishops to the Freedom of the Assembly; but so, as no respect be had to the Determination of the Point in the last Assembly.

“ But in giving way to the abolishing of Episcopacy, be careful that it be done without the appearing of any Warrant from the Bishops; and if any offer to appear for them, you are to enquire for their Warrant, and carry the Dispute so, as the Conclusion seem not to be made in prejudice of Episcopacy as unlawful; but only in Satisfaction to the People for settling the present Disorders, and

and such other Reasons of State : But herein you must be careful that our Intensions appear not to any.

You shall labour that Ministers deposed by the last Assembly, or Commissions flowing from them, for no other Cause but the subscribing the Petition or Declaration against the last Assembly, be upon their Submission to the Determination of this Assembly, supported in their own Places ; and such other Ministers as are deposed for no other Faults, that they be tried of new ; and if that cannot be, strive that Commissions may be directed from this Assembly, for trying and censuring them, according to the nature of their Procefs.

That immediately upon the Conclusion of this Assembly, you Indict another at some convenient Time, as near the expiring of the Year as you can ; and if you find that *Aberdeen* be not a Place agreeable, let *Glasgow* be the Place ; and if that cannot give Content, let it be elsewhere.

The General Assembly is not to meddle with any Thing that is Civil, or which formerly hath been established by Act of Parliament, but upon his Majesty's special Command or Warrant.

We will not allow of any Commissioner from the Assembly, nor no such Act as may give Ground for the continuing of the Tables or Conventicles.

In Case Episcopacy be abolished at this Assembly, you are to labour that we may have the Power of chusing of so many Ministers, as may represent the fourteen Bishops in Parliament ; or if that cannot be, that fourteen others whom we shall present be agreed to, with a Power to chuse the Lords of the Articles for the Nobility for this Time, untill the Business be further considered upon.

We allow that Episcopacy be abolished, for the Reasons contained in the Articles ; and the Covenant 1580, for Satisfaction of our People be subscribed

1639.

serbed, provided it be so conceived, that thereby
 our Subjects be not forced to abjure Episcopacy,
 as a Point of Popery, or contrary to God's Law,
 or the Protestant Religion; but if they require it
 to be abjured, as contrary to the Constitution of
 the Church of Scotland, you are to give way to it,
 rather than to make a Breach.
 After all Assembly-Business is ended, and imme-
 diately before Prayers, you shall in the fairest way
 that you can, protest, That in Respect of his Ma-
 jesty's Resolution of not coming in Person, and
 that his Instructions to you were upon short Ad-
 vertisement, whereupon many Things may have
 occurred, wherein you have not had his Majesty's
 Pleasure; and for such other Reasons as Occasion
 may furnish, you are to protest, That in Case any
 Thing hath escaped you, or hath been considered
 upon in this present Assembly, prejudicial to
 his Majesty's Service, that his Majesty may be
 heard for Redress thereof in his own Time and
 Place (a).

At Berwick the 27th of July 1639.

Further INSTRUCTIONS to the Earl of Traquair.

CHARLES R.

Right Trusty,

Rush.
 Vol. III.
 P. 953.

WE have hitherto commanded Hamilton to
 answer several of your Letters, but that of
 the 16th of August being of more weight than any
 of your former, we have thought fit to answer it
 Our Self.

And
 (a). Hence it is plain, the King had a Mind to reserve a Means
 to disavow his Commissioners.

And whereas you say, That nothing will satisfy them, except *in terminis*, the last Assembly be named and ratified, or that way be given to the discharging of Episcopacy, as abused in that Church, as contrary to the *Confession of Faith 1580*, and the Constitutions of the same, you being yet in some hope that the Word Abused may be got changed, and that in drawing up the Words of the Act, it be only condemned as contrary to the Constitution of the Church: We in this Point leave you to your Instructions, they being full, if you consider what we have said concerning Episcopacy, and subscribing the *Confession of Faith 1580*, we thinking it fit to declare hereupon unto you, That let their Madness be what it will, further than we have declared in our Instructions, in these Points we will not go.

For the *Service-Book*, and *Book of Canons*, though we have been and are content they be discharged, yet we will never give our Voice nor Assent, that they be condemned, as containing divers Heads of Popery and Superstition: In like manner, though we have been and are content that the *High-Commission* be discharged, yet we will never acknowledge that it is without Law, or destructive to the Civil and Ecclesiastical Judicatories of that our Kingdom: Nor that the *five Articles of Perth*, though discharged with our Approbation, be condemned, as contrary to the *fore-said Confession*. As concerning the late Assemblies, we cannot give our Consent to have them declared null, since they were so notoriously our Father (of happy Memory) his Acts; it seeming strange that we having condescended to the taking away of these Things that they complained of, which were done in those Assemblies, they will not be content therewith, without laying an Aspersions on our Father's Actions. Wherefore if the Assembly will in despite of your endeavour, conclude contrary to this, you are to protest against their Proceedings in these Points,

Points, and be sure not to ratify them in Parliament.

Concerning the yearly Indiction of General Assemblies, and the *Confession of Faith*, we commanded *Hamilton*, in his of the 16th, to answer that Point to this Effect, That we think it infinitely to our Prejudice that we should consent to tie our self for the keeping yearly of their Assemblies, not needing to repeat the Reasons, they being well enough known to you; seeing at *Berwick* it was conceived upon debate of that Point, That your having Power to Indict a new one within the Year, would save that Dispute, which you are by all means to eschew. But if this will not give Satisfaction, you are by no means to give your Assent to any such Act, nor to ratify the same in Parliament.

The Article in your Instructions, which is only that the *Covenant 1580*, shall be subscribed, you must have an especial Care of, and how to proceed therein; That the Bond be the same which was in our Father's Time, *mutatis mutandis*; and that you give your assent no other ways to the Interpretations thereof, *than may stand with our future Intentions well known to you*; nor is the same otherwise to be ratified in Parliament.

Thus you have our Pleasure fully signified in every particular of your Letter; which you will find no ways contrary to our Resolution taken at *Berwick*, and our Instructions given to you there. But if the Madness of our Subjects be such, that they will not rest satisfied with what we have given you Power and Authority to condescend to, which notwithstanding all their Insolencies we shall allow you to make good to them, we take God to Witness, That what Misery soever shall fall to the Country hereafter, it is no Fault of ours, but their own Procurement. And hereupon we do command you, that if you cannot compose this Business according to our Instructions, and what we have

have now written, that you prorogue the Parliament till next Spring; and that you think upon some Course how you may make publickly known to all our Subjects, what we had given you Power to condescend to. And because it is not improbable that this way may produce a present Rupture, you are to warn and assist *Rutbven* for the Defence of the Castle of *Edinburgh*; and to take in general the like Care of all our Houses and Forts in that Kingdom; and likewise to advertise all such who are affected to our Service, that rimously they may secure themselves; and so we bid you farewell.

It is plain from these Instructions, that the King had some private Intentions, but which were known to the Earl of *Traquair*. The following Letter may help to discover part of these Intentions, at least with respect to the Bishops.

His MAJESTY'S Letter to the Archbishop of St. Andrews.

Right trusty and well-beloved Counsellor, and Reverend Father in God, We greet you well.

YOUR Letter, and the rest of the Bishops (sent by the Elect of *Cathness*) to my Lord of *Canterbury*, hath been by him communicated to us: And after serious Consideration of the Contents thereof, we have thought fit our Self to return this Answer to you for Direction according to our Promise, which you are to communicate to the rest of your Brethren.

We do in part approve of what you have advised, concerning the propagating of the Assembly and Parliament, and must acknowledge it to be grounded upon Reason enough, were Reason only

Ruth.
Vol. III.
P. 951.
Nelson I.
P. 239.

only to be thought on in this Business? But considering the present State of our Affairs, and what we have promised in the Articles of Pacification, we may not (as we conceive) without great prejudice to our Self and Service condescend thereunto; wherefore we are resolved (rather necessitated) to hold the Assembly and Parliament at the Time and Place appointed; and for that end we have nominated the Earl of Traquair our Commissioner, to whom we have given Instructions, not only how to carry himself at the same, but a Charge also to have a special Care of your Lordships, and those of the inferior Clergy, who have suffered for their Duty to God, and Obedience to our Commands. And we do hereby assure you, that it shall be still one of our chiefest Studies, how to rectify and establish the Government of that Church aright, and to repair your Losses, which we desire you to be most confident of.

As for your Meeting to treat of the Affairs of the Church, we do not see at this Time how that can be done; for within our Kingdom of Scotland, we cannot promise you any Place of Safety; and in any other of our Dominions we cannot hold it convenient, all Things considered; wherefore we conceive that the best way would be for your Lordships to give in, by way of Protestation or Remonstrance, your Exceptions against this Assembly and Parliament to our Commissioner, which may be sent by any mean Man, so he be trusty, and deliver it at his entering into the Church; but we would not have it to be either read or argued in this Meeting, where nothing but Partiality is to be expected, but to be represented to us by him; which we promise to take so into Consideration, as becometh a Prince sensible of his own Interest and Honour, joined with the Equity of your Desires; and you may rest secure, that though perhaps we may give way for the present to that which will be prejudicial both to the Church and
our

our own Government: yet we shall not leave thinking in Time how to remedy both.

We must likewise intimate unto you, that we are so far from conceiving it expedient for you, or any of my Lords of the Clergy to be present at this Meeting, as we do absolutely discharge your going thither; and for your absence, this shall be to you and every of you, a sufficient Warrant: In the interim your best Course will be to remain in our Kingdom of England, till such Time as you receive our further Order, where we shall provide for your Subsistence; though not in that Measure as we could wish, yet in such a way as you shall not be in want.

Thus you have our Pleasure briefly signified unto you, which we doubt not but you will take in good Part. You cannot but know, that what we do in this, we are necessitated to; so we bid you farewell.

Whitehall, August 6. 1639.

I have already observed that the Peace lately made between the King and his Subjects of Scotland, did not properly consist in the seven Articles of *Pacification*, since there was no mention there of the true Ground of the Quarrel, but only of what passed after the Breach. Indeed both Parties agreed to lay down their Arms; but the Peace could not be said to be concluded, as long as the Motives of Rupture still remained. If the Demands of the Scots, and the King's Answer thereto be considered, such Ambiguity on both Sides will appear that the Peace must needs have been deemed very doubtful. The Scots reduced their Demands to this, *That they might enjoy their Religion and Liberties, according to the Ecclesiastical and Civil Laws of the Kingdom, offering in return all Obedience to his Majesty which could be required or expected of Loyal Subjects.* The King granted this their Desire in the same

The late Peace very uncertain

Chren. I. P. 124.

same Words and on the same Condition. But there was a palpable Ambiguity as well in the Demand, as in the Answer. The *Scots* understood by the Laws of the Kingdom, those that were in force before King *James's* Accession to the Crown of *England*, and all the Innovations by them complained of ; but the King meant such as had been enacted since that Time. The Condition was no less equivocal, for the Obedience promised by the *Scots*, related to the Observance of the antient Laws ; but the King intended such an Obedience as was built upon the late Laws. Both Parties must have equally perceived the double-meaning which was visible in what was to be the Foundation of the Peace, since neither of the Parties could be ignorant of the Occasion of the Breach. But however, both Sides made as if they did not perceive it, that they might get out of the Straits they had thrown themselves into by taking up Arms. The *Scots* had been in hopes, that considering the Discontents which reigned in *England*, the King would not be able to raise an Army to reduce them to Obedience. But contrary to their Expectation, they beheld him near their Borders, at the Head of Twenty Thousand Men, whilst they had not above Twelve Thousand, without reckoning the Fleet which interrupted their Trade. It was their Business therefore to endeavour by all means to avoid deciding the Quarrel by Arms. The loss of a Battle would have certainly reduced them to a State of Servitude. Besides, their Friends in *England* dissuaded them from running any Hazard, and made them hope that in a little Time they should put it out of the King's Power to hurt them. For these Reasons they were contented with the general Demand of their Religion and Liberties, in order to gain Time, well-knowing that when Matters came to be discussed, they should find Means to include all their Pretensions in this general Demand. The King on his Side was under no less Perplexities. Though he had an Army superiour in Number of Troops, he was apprehensive of Treacheries, or at least that his

Engli/b

English Subjects would not chearfully venture their Lives for his sake : So that the Loss of a Battle would not only have endangered the Loss of *Scotland*, but even put his Affairs in *England* in a very ill Posture. Therefore, though he could not possibly be ignorant of what the *Scots* meant by their Religion and Laws, finding they did not explain themselves more fully, he took them at their Word, in a Belief, that at a more convenient Season it would be in his Power to give these Terms the Sense that to him seemed most natural. One may affirm then, that this Peace, which decided nothing yet, was built upon a very uncertain Foundation, and that both Parties when they laid down their Arms were in much the same State as when they took them up. But it was easy to foresee a Time would come at last, when it would be necessary to explain what hitherto remained in Obscurity.

The Bishops failed not, according to the King's *The Bishop's Declinator.* Advice, to present a *Declinator* or Protestation to the High-Commissioner *, who receiving it publicly as he was going into the Church, was contented with sending it to the King, without communicating it to the Assembly *. The King was desirous such a Paper should be in his Hands, that he might use it upon Occasion, or at a more proper Time. *Nalson I. p. 249. Rush. III. p. 952.*

In this General Assembly held at *Edinburgh* by the King's Order, the High-Commissioner had Interest enough to hinder any mention of the former Assembly at *Glasgow*. Nevertheless there were passed several Acts very disagreeable to the King, to which however the High-Commissioner gave his Consent. *Acts of the General Assembly. Nalson I. p. 252.*

* The first contained the Causes of the Evils that had lately happened in the Kirk of *Scotland*. These *Rush. III. p. 953.*

* The Earl of *Traquair*. The King is always present in the General Assembly, by himself or Commissioners.

* The King in his Letter to Archbishop *Spotswood*, ordered him to give in a Protestation against the Assembly, but that it should not be read or argued in the Meeting, where, as he says, nothing but Partiality was to be expected. *Rush. III. p. 952.*

1639.

Causes being six in Number, were in Substance:
 1. The pressing of the Service-Book, the Book
 of Canons, and of Consecration and Ordination,
 and the High-Commission. 2. The five Articles
 of Perth. 3. The changing the Government of
 the Kirk into Episcopal Government. 4. The Civil
 Places conferred on Kirkmen. 5. The keeping and
 authorizing the Assemblies in 1606, 1610, 1616,
 1617, 1618. 6. The want of lawful and free Ge-
 neral Assemblies. It was therefore ordained by
 this Act, that all these Things should be abolished,
 and the Kirk restored to its former State. To this
 Act the High-Commissioner consented verbally,
 and promised to have it ratified in the ensuing
 Parliament. Another Act also passed for the bet-
 ter keeping of the Lord's Day.

Id. p. 960.

After which followed a Supplication of the Ge-
 neral Assembly to the Commissioner, desiring that
 a Book called, *The large Declaration*, and written
 by [Dr. Balcanquel] Dean of Durham, a Scotchman,
 against his Countrymen, might be called in. To
 this the Commissioner gave no other Answer, but
 that he would impart the same to his Majesty.
 Then was presented to the High-Commissioner
 another Supplication from the Assembly, and the
 Lords of the Privy-Council, wherein they peti-
 tioned, that it might be enjoyed by Act of Coun-
 cil, that the *Confession and Covenant* should be sub-
 scribed by all his Majesty's Subjects in Scotland, of
 what Rank and Quality soever. The High-
 Commissioner answered to this Supplication, by Ad-
 vices of the Council, that he thought himself bound
 in-Conscience to approve of the *Covenant*, and that
 as Earl of Traquair he would subscribe it as heartily
 as any Subject in the Kingdom: but as the King's
 Commissioner he could not do it, unless a Clause
 was added that this *Covenant* was the same with that
 subscribed by King James VI, in the Years 1580,
 1581, and 1590. Whereupon the Assembly made a
 new Act, enjoining all the Members of the Kirk to

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sign the Covenant, with this Clause prefixed to the Names of the Subscribers:

We subscribe this Covenant according to the Explanation, which hath received from the General Assembly, that is, as declaring the five Articles of Perth, the Government of the Kirk by Bishops, and the bestowing of Cloth Places on Kirkmen, to be unlawful within this Kirk.

Id. p. 964.

After that, the Assembly resolved to present a Petition to the King, to pray him to cause these Acts to be ratified by the Parliament. That done, they appointed the last Tuesday in July 1640, for the holding another General Assembly at Aberdeen, without consulting the High-Commissioner.

The Acts passed in this Assembly plainly show what the Scots meant by their Religion, namely, That which was professed in 1580. The Assembly had also determined, contrary to the King's Pretensions, that Episcopacy was abolished by the Confession of Faith of the Year 1580, though the Bishops were not so much as mentioned there. Whereas the King pretended that the Religion of the Kingdom was that which was actually professed since the Year 1606, and which was established by several Acts of Parliament, and by General Assemblies held since that time; the Assembly of Edinburgh declared on the contrary, that the Assemblies held from 1606, to 1640, were void and thereby annulled, with all the Acts of Parliament which had confirmed and ratified the same. As to the Covenant, the Assembly themselves, in pretending to admit of the Clause which the Earl of Traquair desired might be annexed, had rendered it of no Effect, by the Explanation they had added. The Earl was very much blamed for not stoutly opposing this Interpretation, nay, when he came to give the King an Account of his Commission, a Scotch Bishop accused him of Treason, and offered to suffer as a Traitor if he did not shake good us Charge.

Remark upon these Acts.

1639.
Acts of the
Parliament of
Scotland.

By what had been done in the Assembly, the King saw plainly what he was to expect from the Parliament, which met presently after the breaking up of the Assembly. Before the Ratification of the *Acts* of the Assembly was moved, they presented to the High-Commissioner some *Acts* which were a clear Evidence that they were no less bent upon maintaining the Privileges of the People, and guarding against the Artifices whereby for forty Years the Court got the Parliament to pass what they pleased. I have just mentioned elsewhere the Manner of chusing the *Lords of the Articles* in the Parliament of Scotland; but it is necessary to explain it a little more fully, for the better Understanding how advantageous to the King this Method was grown. Ever since the Reign of *David Bruce*, that is, for about three Hundred Years, it had been customary in *Scotland*, that when the Parliament met, there were elected a certain Number of Noblemen, Bishops, Barons and Burgesses, who were called *Lords of the Articles*. The Business of this select Committee was to examine and prepare the *Bills* which were to be moved in Parliament; and as they had Power to reject such as they did not judge necessary or convenient, it seldom happened that those they brought in were ever thrown out. The Manner of Election, settled at a Time when the Inconveniencies could not be foreseen, was thus: The Body of the Nobility nominated Eight *Bishops*, these Bishops named Eight *Lords*, the Sixteen elect Bishops and Lords chose Eight *Barons**, these Twenty-four elected Eight *Burgesses**†. This Custom was attended with few ill Consequences, till *James VI* attempted to restore Episcopacy. That Prince, as we have seen, began with giving again to the Bishops and Lay-Abbots, the Right of sitting in the Parliament; and thereby had the Votes of all that belonged to the

* Or *Leirds*.

† These Thirty-two, with the eight *Officers of the Crown*, made up the select Committee, called, *Lords of the Articles*. *Whitlock*, and after him *Echard*, say, the King chose the eight Noblemen.

the Church at his Command. So the Nobility in refusing Eight Bishops, could name none but what were devoted to the King, from whom they received their *Benefices*. These eight Bishops elect, made it their chief Care to name Eight Lords on whom the King might depend. These Sixteen never failed to chuse Eight Barons of the same Party, and consequently the Eight Burgesses elected by the Twenty-four, were likewise Friends of the Court. By this means the King obtained of the Parliament the *Acts* before-mentioned, to restore Episcopal Government in the *Kirk*, in spite of all the Endeavours of the General Assemblies. This gave Occasion also to the Complaint publicly dispersed in Writing, that Charles I. in his Journey to *Scotland*, had used unlawful Methods to obtain the two *Acts* concerning Religion already spoken of. It is said, that among the Eight Lords then chosen by the Bishops, there were Three suspected of *Popery*.

As from that time the Face of Affairs was very much changed in *Scotland*, and as the King had no longer any Power there, the Parliament, which met by his Majesty's Order at *Edinburgh* in the Year 1639, were resolved to prevent the Inconveniencies which spring from the Election of the *Lords of the Articles*. To that Purpose they presented to the High-Commissioner an *Act*, declaring null and void whatever should be done in Parliament, before the antient Way of electing the *Lords of the Articles* should be altered. This *Act* was founded not only upon the Inconveniencies just mentioned, but chiefly upon the Parliament's being disposed to abolish entirely the Order of Bishops, from whence followed an absolute Necessity to alter the Manner of chusing the *Lords of the Articles*. Besides, in all Appearance, the Parliament was willing to obviate thereby the King's Demand, that Fourteen *Ministers* or *Lay-Abbots* of his chusing might supply the Place of the Bishops*.

B b 3

Besides,

* The Parliament allowed the High-Commissioner to name the Eight

Before this, which was of great Moment, at this Juncture, the Parliament presented likewise several others, all tending to lessen the King's Prerogative. The first was that which was presented by the Members of the House of Commons, that the King should not be meddled with, but by Advice of Parliament.

Rush. III.
p. 1027.

By the second, it was enacted, That, the King should not be meddled with, but by Advice of Parliament.

By the third, That no Stranger should be entrusted with keeping of any Castle, nor other Person put in them, but by Advice of the Estates. The Occasion of this was, that the King had lately made two *Englishmen* Governours of the Castles of *Edinburgh* and *Dunbarton*.

4. That no Patent of Honour be granted to any Stranger, but such as have a Competency of Land-Rent in *Scotland*.

5. That no Commission of Jusiciary or Litenancy may be granted but for a limited Time.

6. They protested against the Precedency of the Lord Treasurer, and Lord Privy Seal, because, as they alledged, the same was not warranted by a positive Law.

There were some more of the same Nature, all derogatory to the King, but which it is needless to insert here. It may well be thought the High Commissioner did not believe he had sufficient Authority to give his Consent to all these Acts, without informing his Majesty.

The King
prerogues
the Par-
liament.
Rush.
Vol. III.
p. 955.

The King seeing how Matters were going in the Parliament of *Scotland*, plainly perceived by these first Proceedings, that his Commissioner would be little

Right Lords, who should have been named by the Bishops, but protested it should be no Precedent for the future. When it was debated about what was to be brought in, in lieu of the Bishops, the Commissioner urged for the King to have *fourteen Lay Lords* to represent the *third Estate*; but it was voted that the *third Estate* should be completed by small Barons, who represented the *Commonalty*. Rush. III. p. 955. Whitlock's Mem. p. 30.

able to follow the Instructions he had given him. And therefore, ordered him by Letter only, not to prorogue the Parliament till the end of June the next Year 1640, and if he met with any Opposition, to declare that the Members who should continue to assemble, were guilty of High-Treason. This Order being signified to the Parliament, met not with all the Compliance the King perhaps expected. They broke up however, but in such a Manner as was no less disagreeable to the King, than if he had continued their Session. Before they parted they made a Declaration, importing that the Earl of Strafford had no Power to prorogue the Parliament upon the King's bare Letter, and without the Consent of the Parliament themselves. That this Order was owing to wrong Informations, the Parliament having given no manner of Offence, or occasion of Complaint to the King. That hitherto the Parliaments were never prorogued without their own Consent, and consequently this Prorogation was contrary to the Usage of the Kingdom. They complained moreover that the Earl of Strafford and the Council had infringed several ways the Privileges of Parliament, during the Sitting of this present one. In short, they declared that although they might lawfully continue assembled, notwithstanding the Prorogation, they were willing to break up, in order to give the King a Proof of their Obedience; but however thought proper to leave a Committee of some of each Estate, to present a Remonstrance to his Majesty, and attend his gracious Answer, and to assure the King on all Occasions of the Parliament's sincere Intention to pay him all due Obedience. The Declaration concluded with a Protestation, that if any Outrages and Insolencies should be committed, they could not be imputed to them, since they were constrained to use the properest Means to secure the Kirk and State from the Misery and Confusion they were threatened with.

They had dissembled
Declaration against it.
Ibid.

They break up, but leave a Committee

1639.
The King
refuses Au-
dience to
the Deput-
ies of the
Committee
Rush. III.
p. 956.

Pursuant to the Power given them by the Parlia-
ment, the Committee sent the Earl of *Dunferling*
and the Lord *Lowdon* to present a Remonstrance to
his Majesty. But the King refused to give the De-
puties Audience, as coming without Warrant from
the High-Commissioner, and without communicating
to him the Occasion of their Journey. After their
Departure, the King sent for the Earl of *Traquair*,
and ordered him to report to the Council what had
passed in Scotland since the *Pacification*. It was upon
this Lord's Report, and without hearing what the
Scots had to say in their Defence, that the Council of
England declared with one Voice, that it was absolute-
ly necessary to reduce the *Scots* to their Duty by Force
of Arms. Nevertheless as this Resolution seemed a
little too hasty, since it was not known what the *Scots*
might plead in their own Vindication, the King, per-
ceiving how prejudicial this too great Haste might be
to him, gave the Committee of *Edinburgh* leave to
send their Deputies. But this was more for Decen-
cy's Sake, than to see whether there might be any
Reason to alter the Resolution already taken, the
King not being ignorant of what could be said on this
Occasion.

The Coun-
cil of *Eng-
land* re-
solves upon
a War with
Scotland
Rush. III.
p. 1032.

1640.
Other De-
puties come
from
Scotland.
Ibid.
They pre-
sent two
Petitions
to the King
Ibid.

Pursuant to the King's Leave, four Deputies came
presently after, namely, the Earl of *Dunferling*, the
Lord *Lowdon*, Sir *William Douglass*, and Mr. *Robert
Herkeley*, and presented to him two *Petitions*. The
first was from the late General Assembly held at *Ed-
inburgh*, who after thanking him for being pleased
to consent that Ecclesiastical Affairs should be deter-
mined in the Assembly of the *Kirk*, prayed him to
ratify their Constitutions by the Parliament. By the
other *Petition*, the four Deputies desired to be heard
before some of the Counsellors of both Kingdoms,
and that the Earl of *Traquair's* Report to the Coun-
cil of *England* might be given them in Writing un-
der his Hand. The King thought not proper to
grant either of these two Articles. However, he ap-
pointed a Committee of the Council to hear them, to
which

which the Deputies would not agree, saying, they were sent to his Majesty to justify the Proceedings of the Parliament of Scotland, and not to the Council of England, who had no manner of Jurisdiction over the Scots. To remove this Objection, the King was pleased to hear them himself, in the Presence of the Committee he had appointed. The Lord *Lowdon* made a pretty long Speech in Vindication of all that had been done in Scotland; for that was the sole Motive of the Deputation. But the King feigning to believe, and willing to suppose they were come to treat with him about an Accommodation, objected to them, that their Powers were not full enough, since they could neither offer nor accept any Terms. A few Days after, the Council of England declared, that the Scotch Deputies had Power only to justify the Proceedings of their Countrymen. And indeed, they had been sent purely to that End, and not to treat with the King.

The King uses Artifice to have occasion to go to War with Scotland.
Ruth.

Vol. III. p. 992, &c.

It was resolved, as I said, in the Council of England, to reduce the Scots to Obedience by Force. It is necessary therefore to show upon what this Resolution was built. Though the King was by no Means pleased with the Acts of the General-Assembly of Edinburgh, he had no Reason however to complain, since they had been approved by his High-Commissioner, authorized for that Purpose by a Commission under the Great-Seal. Wherefore being desirous to hinder these Acts from being ratified by the Parliament, he thought it more convenient to ground the Breach occasioned by the Prorogation of the Parliament of Scotland, upon the Proceedings of the Parliament than upon those of the Assembly. He complained therefore,

Reasons alledged by the

King for his breaking with Scotland.

Ruth.
Vol. III. p. 1034.

1. That, under Pretence of his having promised a free Parliament, they had carried that Freedom so far as to imagine, that it was not to be limited with their own Conditions, subscribed by the Lord *Lowdon*, which were to enjoy their Religion and Liberties

Liberties &c.

1640.

1. Liberties, according to the Declaration and Civil Laws of their Kingdom. For it was evident, that the Parliament had far exceeded the Bounds established by the Laws.

2. If they object, That they assume this Liberty by our allowing of the *Covenant*, and commanding our former High-Commissioner the Lord Marquis of *Hamilton*, and other our Subjects to subscribe it; the Answer is very ready, That there is a great Difference between the *Covenant* and *Band* subscribed by our Commandment, and their *Band*; for that *Covenant* and *Band* was made by our late Father King *James* of blessed Memory, Anno 1580, and obligeth those that swear to it, that they should mutually assist one another, as they should be commanded by the King, or any authorized by him. But this new *Band* was made without our Consent, and by it they swear mutually to assist one another, not excepting the King. Neither can the Earl of *Traguir's* Subscription or Allowance of the *Covenant* be any Warrant for their rebellious Courses, seeing they did humbly supplicate, that they might be allowed and warranted to subscribe it: Which clearly evinces, that what they did before, and of themselves, without Warrant of Authority, was neither laudable nor warrantable. Besides, it appears by what is prefixt to the Earl of *Traguir's* Subscription, that by the *Covenant* he meant the same with that of 1580.

3. Since the Parliament, they have, without any Authority or Commission from us, taken upon them to levy and raise Forces in several Parts of the Kingdom; and have assigned them a Rendezvous, and a Day to be in a Readiness to march.

4. They have made Provisions of great Quantities of Artillery, Munition and Arms from foreign Parts, which they have ready in Magazine to make use of against us their Sovereign.

5. They

5. They have of themselves laid Taxes and Impositions of Ten Marks in every Hundred, upon all and every our Subjects, according to their several Revenues; and this they have exacted with the greatest Rigour and Tyranny that can be imagined.

6. They have caused to be framed and published, sundry false, seditious and scandalous Papers and Pamphlets; and, amongst others, one entituled, *Information from the Estates of the Kingdom of Scotland, to the Kingdom of England, &c.* which we have caused to be burnt by the Hand of the Hangman.

7. They have refused the Lord *Esrick*, Governor of our Castle at *Edinburgh*, Timber, and other Materials, necessary for Reparation of the Works lately fallen down there, notwithstanding our express Commandment by our Letters to them upon their Allegiance to furnish them.

8. They have committed sundry Outrages and Violences upon the Persons of some of the Garrison at *Edinburgh*, that came out of the Castle to buy Victuals.

9. They have begun to raise Works and Fortifications against the said Castle, thereby to block up that our Royal Fort, and to render it useless. And they have fortified sundry other Places in that our Kingdom, and particularly *Insgarry*, where they have mounted divers Pieces of Ordnance.

10. They have lately imprisoned the Lord of *Southesk*, and sundry others of Quality, for not adhering to them, and for their Fidelity to us.

11. The Magistrates of *Edinburgh* have upon sundry Occasions refused to yield us due Obedience, alledging, That they have delivered up the Power of governing the Town into the Hands of the Committee of the pretended *Tables*, by which they have not only voluntarily disabled themselves to serve us, but have incurred the Guilt of High-Treason,

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' Treason, by conferring upon any that Power, of
' Government which they derive and hold from us
' alone.'

Of these Eleven Articles, Nine were of no Moment. As after the Prorogation of the Parliament, the Scots had good Reason to fear the King intended to renew the War, the Precautions they took to prepare for their Defence, could not be deemed a just Cause of invading them, though their Fears had been needless. At least, all these Proceedings might have been easily repaired by the Conclusion of a good Peace. But the main Article, and that which the King chiefly insisted upon was :

' 12. A Letter communicated to him by the Earl
' of Traquair, and which had been intercepted by
' his Lordship. It was written to the King of France
' by the chief of the Male-contents to desire his Assistance. The Letter follows, with this Endorsement, *Au Roy*, which, as his Majesty observed, is in France always understood from those Subjects only to their Natural Prince.'

S-I R,

The Scottish Male-contents Letter to the King of France.
Rush.
Vol. III.
p. 1038
Nelson V.
I. p. 277.

YOUR Majesty being the Refuge and Sanctuary of afflicted Princes and States, we have found it necessary to send this Gentleman, Mr. Colvil, to represent unto your Majesty the Candor and Ingenuity, as well of our Actions and Proceedings, as of our Intentions, which we desire to be engraved and written to the whole World with a Beam * of the Sun, as well as to your Majesty.

* It is in the Original *Rais* (which signifies a *Thornbeck*) instead of *Rain* or *Rayon*, for which Reason it seems; after the Letter was signed by six of the covenanting Lords, it was rejected by the Lord Murland, because it was false French; and so it was laid aside, and never again taken into Consideration; but one taking up the Letter brought it to Traquair. *Mem. of D. of Hamilt. g.* 161.

Majesty. We therefore most humbly beseech you (Sir) to give Faith and Credit to him, and to all that he shall say on our part, touching us and our Affairs; being most assured (Sir) of an Assistance equal to your wonted Clemency heretofore, and so often shewed to this Nation, which will not yield the Glory to any other whatsoever to be eternally,

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S I R,

Your Majesty's most humble,

Most obedient, and

Most affectionate Servants,

Rothés.	Montrosé.	Lesly.	Marré.
	Montgomery.		
	Loudoun.	Forrester.	

This Letter, though no Date appears, was wrote *The Use* before the Peace. At least, the Lord Lowdon, who *the King* was committed to the Tower on that account, affirm- *made of* ed so much, and I do not find he was ever confuted. *the Letter.* On the other Hand, the King, who intended to make *Claren. I.* great Advantage of this Letter, never said it was p. 129. penned since the Articles of Pacification were signed. From whence it may be inferred, either the Subscribers forgot to date it, or the Date was not serviceable to the King who produced the Letter. However this be, though the Letter was never sent to France, since it was put into the Hands of the Earl of Traquair in Scotland, the King, who was resolved to renew the War, made great use of it to vindicate his Conduct. He pretended the Scots designed to bring in a foreign Army into their Country to invade England, and therefore he was indispensably obliged to defend his English Subjects. But it will be seen hereafter, that he reaped not from it all the Advantages he expected.

Upon

1640. Upon this Foundation however it was that he re-
 True Cause of the War. solved to renew the War with Scotland. But although
 he alledged many Reasons, as we have just seen, ne-
 vertheless it is certain, the chief Motive was the Abol-
 lition of Episcopacy, to which he could not give his
 Consent. If this single Point could have been ad-
 justed, the rest were not of Moment enough to ob-
 lige the two Parties to take up Arms again. So the
 whole Dispute between Charles and the Scots was re-
 duced to this: Whether James and Charles had
 Power to alter the Government of the Kirk of Scot-
 land, notwithstanding the Opposition of the Kirk it-
 self; and whether the Scots might demand the Abol-
 tion of Episcopacy, established upon the Ruins of
 Presbytery, on pretense of the Artifices practised by
 the Court to get these Acts passed.

Ship-Money forced. Ruffs. Vol. III. P. 975-985. The War being resolved upon, the King took all
 possible Measures to have a numerous Army, by
 taxing, as usual, each County to find a certain
 Number of Troops. On the other Hand, a Sea-
 Fight between the Spaniards and Dutch, near the
 Coast of England, furnished the King with a Pre-
 tence to renew his Warrants for the Payment of
 Ship-Money. As on this Occasion the Dutch, who
 were the Aggressors, had shown little regard to the
 Sovereignty of the Sea the King assumed to himself
 his Majesty loudly complained of the Affront he had
 received; and upon this Foundation he seemed bent
 to fit out a powerful Fleet to preserve the Dominion
 of the Sea, and defend the Kingdom. Wherefore
 Claren. I. P. 131. he ordered Ship-Money, as well as the Arrears of
 that Tax, to be levied with great Severity. The
 Sheriff of Northamptonshire having sent to Court a
 Petition of the County against Ship-Money, the
 Council reprimanded him very sharply, commanding

* Sir Christopher Yelverton High Sheriff of Northamptonshire
 (Ruffin by mistake says of Northumberland) sent, enclosed in a
 Letter, a Copy (under the Hand of the Clerk of the Peace) of
 a Presentment made by the Grand Jury, at a Quarter Session
 concerning Ship-Money.

him to do his Office on pain of exemplary Punishment. On the other Hand, Sir John Finch, being made Lord Keeper, upon the Death of the Lord Coventry, made a Speech to the Judges of the Kingdom, to exhort them to use in their Circuits all their Authority to promote this Tax. So it was evident the King was resolv'd to compass his Ends, let what would be the Consequence, and that this Imposition was grown by degrees a standing Tax upon the People.

At last, the King appointed the Earl of Northumberland for General of the Army against Scotland, and gave him for Lieutenant-General the Lord Wentworth, Deputy of Ireland, lately made Earl of Strafford. As he always dreaded the Friends the Scots had in England, and as for that Reason he durst not trust his Council with all his Affairs, he appointed a secret Council, consisting of three Persons only, namely, the Archbishop of Canterbury, the Marquis of Hamilton, and the Earl of Strafford. These Three managed entirely the King's most important Affairs, and were the Persons that after mature Deliberation advis'd him to call a Parliament. But as the King objected to them, that before the Subsidies which the Parliament should grant could be pay'd, he should be reduced to great Straits; the secret Council provided against this Inconveniency, by advising him to borrow of every one of his Counsellors or others, who should be willing to lend, the Sums he should want to supply his present Occasions. The Earl of Strafford alone subscribed Twenty Thousand Pound.

The Affairs of State were principally managed by the Archbishop of Canterbury, the Earl of Strafford, and the Lord Cottington. To these were added the Earl of Northumberland, for Ornaments, the Bishop of London, for his Place, being Lord-Treasurer, the Two Secretaries Vane and Windebank, for Service and Intelligence; only the Marquis of Hamilton by his Skill and Interest meddled just so far and no further than he had a mind. These Persons made up the Committee of State, reproachfully after called the *Five*, and eventually then in the Court, the *Cabinal Council*.

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*The King
calls a
Parlia-
ment.*

The Example of the Counsellors being followed by some other Lords, the King was enabled to make Preparations for the War, before he had received any Aid from the Parliament. So, the Parliament was called for the 13th of *April*, and a few Days after the King issued out a Proclamation to revoke the same *Patents* that had served to establish *Monopolies*, though they had been revoked once before without any Effect.

*The Par-
liament
meets.*

The Parliament being assembled at *Westminster* on the Day appointed, the King went to the *House of Lords*, and spoke in this manner to both *Houses*.

‘ *My LORDS, and GENTLEMEN,*

*The King's
Speech to
the Par-
liament.
Rush.
Vol. III.
p. 1114.
Nelson V.
1. p. 306.*

‘ *T*HERE was never a King that had a more great and weighty Cause to call his People together than my Self : I will not trouble you with the Particulars ; I have informed my Lord-Keeper, and command him to speak and desire your Attention.’

Then Sir *John Finch* Lord-Keeper spoke thus :

*My Lords, and you the Knights, Citizens and Bur-
gesses of the House of Commons.*

‘ You are here this Day assembled by his Majesty's gracious Writ and Royal Command to hold a Parliament, the general, antient and greatest Council of this renowned Kingdom. By you, as by a select Choice and Abstract, the whole Kingdom is presented to his Majesty's Royal View, and made happy in the beholding of his excellent and sacred Person. All of you, not only the Prelates, Nobles and Grandees, but in your Persons that are of the House of Commons every one, even the meanest of his Majesty's Subjects, are graciously allowed to participate and share in the Honour of those Counsels, that concern the great and weighty Affairs of the King and Kingdom.
‘ You

' You come all armed with the Votes and Suffrages
 ' of the whole Nation: And I assure my self, your
 ' Hearts are filled with that zealous and humble Af-
 ' fection to his Majesty's Person and Government,
 ' that so just, so pious, and so gracious a King hath
 ' reason to expect from all his Subjects. I doubt not,
 ' but you rejoice at this Day's Meeting, and methinks
 ' you should do so too; and good reason you have
 ' to do so, and with all Humbleness of Heart to
 ' acknowledge the great Goodness of his Majesty,
 ' who sequestering the Memory of all former Dis-
 ' couragements in preceeding Assemblies, is now of
 ' a fatherly Affection to his People, and a Confi-
 ' dence that they will not be failing in their Duty to
 ' him, who is pleased graciously to invite you and
 ' all his loving Subjects to a sacred Unity of Hearts
 ' and Affections, in the Services of him and of the
 ' Commonwealth, and in the Execution of those
 ' Counsels that tend only to the Honour of his Ma-
 ' jesty, and to the good Preservation of you all.
 ' His Majesty's kingly Resolutions are seated in the
 ' Ark of his sacred Breast, and it were a Presump-
 ' tion of too high a Nature, for any *Uzzab* uncalled
 ' to touch it: Yet his Majesty is now pleased to lay
 ' by the shining Beams of Majesty, as *Phæbus* did
 ' to *Phaeton*, that the Distance between Sovereignty
 ' and Subjection should not bar you of that filial
 ' Freedom of Access to his Person and Counsels; only
 ' let us beware how with the Son of *Clymene*, we aim
 ' not at the guiding of the Chariot, as if that were
 ' the only Testimony of fatherly Affection: And
 ' let us ever remember, that though the King some-
 ' times lays by the Beams and Rays of Majesty, he
 ' never lays by Majesty itself.

' In former Parliaments you have, been advised
 ' with, for the preventing and diverting of those
 ' Dangers, which by foreign and more remote Coun-
 ' sels, might have tended to the Dishonour and
 ' Ruin of this Nation; therein his Majesty's great
 ' Wisdom and Providence hath for many Years
 ' eased

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eased you of that trouble, his Majesty having with
 great Judgement and Prudence, not only seen and
 prevented our Danger, but kept up the Honour
 and Splendour of the *English* Crown, of which at
 this Day we find the happy and comfortable Ex-
 perience, Almighty God having vouchsafed such
 Success to his Majesty's Counsels, that *our Fleet*
is dry, when it raineth Blood in all the Neighbour
 States. But what availeth this the Kingdom? *Si*
foras hostem non inveniat, si modò domi inveniet. You
 are now summoned to Counsels and Resolutions
 that more nearly concern you, to prevent a Dan-
 ger and a Dishonour that knocks at our Gates, and
 that moves from such, from whom we had little
 reason to suspect it. It is well known upon what
 happy and solid Counsels one of our wisest Kings
 made a Match with *Scotland* for his eldest Daughter.
 We cannot forget (I am sure we should not) the
 blessed Success that waited upon those Counsels,
 when the Crown of *England* descended upon King
James of ever blessed and famous Memory, who
 with the Fulness of Joy to all true *English* Hearts,
 made his Entry not by Bloodshed. The Wall of
 Separation was thereby taken away; and that
 glorious King to make his Word good, *faciam eis*
in Gentem unam, made all *England* rejoice, and
Scotland I am sure had no Reason to be sorry for
 it: They participated of *English* Honours, the
 Wealth and Revenue of this Nation they shared in,
 and no good thing was with-holden from them;
 such was the Largeness of Heart in that most ex-
 cellent King, and such was the Comfort we took
 in this Fraternity, or rather Unity: When both of
 us had but one brazen Wall of Fortification to
 look unto, the Sea, and all things so equally and
 evenly carried between us, that *Tros Tyri usque*
nullo discrimine habentur. His Majesty, our most
 gracious Sovereign became Heir, as well to his Fa-
 ther's Virtues as to his Kingdoms, *Peccatumque Re-*
gis, &c. and in his precious and tender Affection to

that Nation, hath given as many indulgent Testimonies of Love and Benignity, as they could expect. Thus became we both like a Land flowing with Milk and Honey : Peace and Plenty dwelt in our Streets, and we have had all our Blessings crowned with the sweet Hopes of Perpetuity. God found out for my Lord the King a Companion meet for him, his Royal Consort, our most gracious Queen, who, as she is not to be paralleled for her Person and Virtue, so hath she made his Majesty and the whole Kingdom most happy and blessed in the sweetest Pledges of their Love, and our Hopes, which ever stood like Olive-branches about the Throne or Table : But which I sorrow for, *Civiles furores patriæ nimia infelicitas*, and when his Majesty had most Reason to expect a grateful Return of Loyalty and Obedience from all the *Scottish* Nation, some Men of *Belial*, some *Zeba* hath blown the Trumpet there, and by their Insolencies and rebellious Actions draw many after them, to the utter Desertion of his Majesty's Government ; his Majesty's and his kingly Father's Love and Bounty to that Nation quite forgotten, his Goodness and Piety unremembred.

‘ They have led a Multitude after them into a Course of Disloyalty and rebellious Treason, such as former times have not left in mention, nor this present Age can any where equal ; they have taken up Arms against the Lord's Anointed, their rightful Prince and undoubted Sovereign, and following the wicked Counsels of some *Achitophel*, they have seized on the Trophies of Honour, and invested themselves with Regal Power and Authority : Such and so many Acts of Disloyalty and Disobedience, as (let their Pretences be what they will be,) no true *English* or Christian Heart, but must acknowledge them to be the Effects of foul and horrid Treason.

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' The last Summer his Majesty at his own Charge,
 ' and at the vast Expence of many of his faithful
 ' and loving Subjects of *England*, went with an Ar-
 ' my, and then they took upon them the Boldness to
 ' outface and brave his Royal Army, with another
 ' of their own raising; yet for all this, his Majesty's
 ' Goodness was not lessened by that, nor could his
 ' gracious Nature forget what he was to them, nor
 ' what they were to him; but considering with him-
 ' self they were such (*quos nec vincere, nec vin-
 ' cti sum fuisse*) out of his Piety and Clemency chose
 ' rather to pass by their former Miscarriages, upon
 ' their humble Protestations of future Loyalty and
 ' Obedience, than by just Vengeance to punish their
 ' Rebellions.

' But his Majesty (who is ever awake for the
 ' Good and Safety of all his Subjects) hath since too
 ' plainly discovered, that they did but prevaricate
 ' with him to divert the same which hung over their
 ' Heads, and by gaining Time to purchase them-
 ' selves more Advantage, for pursuing their rebel-
 ' lious Purposes.

' For since his Majesty came from *Berwick*, it is
 ' come to his certain Knowledge, that instead of
 ' performing that Loyalty and Obedience, which
 ' by the Laws of God, of Nature, and Nations,
 ' they owe unto him, they have addressed them-
 ' selves to foreign States, and treated with them to
 ' deliver themselves up to their Protection and
 ' Power: (as by God's great Providence and Good-
 ' ness, his gracious Majesty is able to shew under
 ' the Hands of the prime Ring-Leaders of that
 ' Faction) than which nothing could be of more
 ' dangerous Consequence to this and his Majesty's
 ' other Kingdoms. Whosoever they be that do,
 ' or shall with *England* ill, they may know it to
 ' be of too tough a Complexion and Courage, to
 ' be assailed in the Face, or to be set upon at the
 ' Fore-door: And therefore it is not unlikely, but
 ' they

‘ they may (as in former times) find out a Postern-
‘ gate.

‘ There were heretofore two of them, *Scotland*
‘ and *Ireland*, and both of them had their several
‘ Defences.

‘ *Ireland*, through his Majesty’s just and prudent
‘ Government, is not only reduced from the Dis-
‘ temper of former times, but settled in such a
‘ Condition of Peace, and during his Majesty’s
‘ happy Reign so altered and civilized, that instead
‘ of being a Charge to him (as it was to his Pre-
‘ decessors) hath yielded to him some Revenue,
‘ and his Subjects there do daily give very accepta-
‘ ble Testimonies of their loyal and dutiful Affec-
‘ tion, both to his Person and Government. And
‘ now lately at the Parliament assembled, they have
‘ not only with full and free Consent, made his Ma-
‘ jesty a chearful Aid towards his present Prepara-
‘ tions, to reduce his disaffected Subjects in *Scotland*
‘ to their due Obedience, but they have also pro-
‘ fessed and promised, that they will be ready with
‘ their Persons and Estates, to the uttermost of
‘ their Ability, for his Majesty’s future Supply, as
‘ his great Occasions , by the Continuance of his
‘ Forces against that Distemper, shall require ; so
‘ that the Hopes of hurting *England* that way, are
‘ quite extinct.

‘ *Scotland* then only remains, whither (as to a weak
‘ and distempered Part of the Body) all the Rheums
‘ and Fluxes of factious and seditious Humours make
‘ way.

‘ His Majesty hath taken all these and much
‘ more into his princely Consideration, and to a-
‘ void a manifest and apparent Mischief, threatned
‘ to this and his other Kingdoms, hath resolved
‘ by the Means of a powerful Army, to reduce
‘ them to the just and modest Conditions of Obe-
‘ dience.

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‘ It is a Course his Majesty takes no delight in,
 ‘ but is forced unto it ; for such is his Majesty’s
 ‘ Grace and Goodness to all his Subjects, and such
 ‘ it is and will be to them (how undutiful and re-
 ‘ bellious soever they now are) that if they put
 ‘ themselves into a Way of Humility becoming them,
 ‘ his Majesty’s Piety and Clemency will soon ap-
 ‘ pear to all the World : But his Majesty will not
 ‘ endure to have his Honour weighed at the com-
 ‘ mon Beam ; nor admit any to step between him
 ‘ and his Virtue : And therefore as he will upon
 ‘ no Terms admit the Mediation of any Person
 ‘ whatsoever ; so he shall judge it as high Presump-
 ‘ tion in any Person to offer it, and as that which
 ‘ he must account most dangerous to his Honour,
 ‘ to have any conceit, that the Sollicitation of others
 ‘ can by any Possibility better incline him to his Peo-
 ‘ ple than he is, and ever will be, out of his own
 ‘ Grace and Goodness.

‘ The Charge of such an Army hath been
 ‘ thoroughly advised, and must needs amount to
 ‘ a very great Sum, such as cannot be imagined
 ‘ to be found in his Majesty’s Coffers ; which,
 ‘ how empty soever, have neither yet been ex-
 ‘ hausted by unnecessary Triumphs, or sumptuous
 ‘ Buildings, or other Magnificence whatsoever,
 ‘ but most of his own Revenue, and whatsoe-
 ‘ ver hath come from his Subjects, hath been by
 ‘ him employed, for the common Good and Pre-
 ‘ servation of the Kingdom. And like Vapours
 ‘ arising out of the Earth and gathered into a
 ‘ Cloud, are fallen into sweet and refreshing Show-
 ‘ ers upon the same Ground. Wherefore his Ma-
 ‘ jesty hath now at this Time called this Parlia-
 ‘ ment, the second Means under God’s Blessing,
 ‘ to avert these publick Calamities threatened to
 ‘ all his Kingdoms, by the mutinous Behaviour of
 ‘ them.

‘ And

And as his Majesty's Predecessors have accustomed to do with your Forefathers, so his Majesty now offers you the Honour of working together with himself, for the Good of him and his, and for the common Preservation of yourselves and your Posterity.

Councils and Deliberations that tend to Benefit or Profit, may endure Disputes and Debates, because they seemed only accompanied with Partitions; but Deliberations that tend to Preservation are waited upon by Necessity, and cannot endure either Debate or Delay; of such Nature are the bleeding Exils, that are now to be provided against.

This Summer must not be lost, nor any Minute of Time foretowed, to reduce them of *Scotland* left by Protraction here they gain Time and Advantage, to frame their Parties with foreign States.

His Majesty doth therefore desire, upon these pressing and urgent Occasions, that you will for a while lay aside all other Debates, and that you would pass an Act for such, and so many Subsidies as you in your hearty Affection to him, and to your common Good, shall think fit and convenient for so great an Action, and withal that you would hasten the Payment of it, as soon as may be: And his Majesty assures you all, that he would not have proposed any Thing out of the ordinary Way, but that such is the Straitness of Time, that unless the Subsidies be forthwith past, it is not possible for him to put in order such things, as must be prepared before so great an Army can be brought into the Field.

And indeed had not his Majesty upon the Credit of his Servants, and Security out of his own Estate, taken up and issued between *Three and Four Hundred Thousand Pounds*, it had not been possible for his Majesty, to have provided those Things to begin with, which were necessary for so great an Enterprize, and without which we could not have

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‘ secured *Berwick* and *Carlisle*, or avoided those Affronts, which the Insolency of that Faction might have put upon us, by injuring the Persons and Fortunes of his Loyal Subjects, in the northern Parts.

‘ To avoid all question and dispute that may arise, touching his Majesty’s taking of *Tonnage* and *Poundage*, his Majesty hath commanded me to declare unto you, that he hath taken *it* only *de facto*, according to the Example of former Kings, from the Death of their past Predecessors, until the Parliament had passed an Act for it themselves. That in like manner, his Majesty desires not to claim it, but by Grant of Parliament; for this purpose his Majesty hath caused a Bill to be prepared in the same Form as it passed to his Royal Father of blessed Memory, adding only Words to give it *hig*, from the first of his Majesty’s Reign.

‘ This and the Bill of Subsidies his Majesty expects (for the pressing Reasons before delivered unto you) may be dispatched with all speed, which his Majesty commanded me to tell you he shall graciously accept, as the welcome Pledges of your loving, happy, and dutiful Affection to him, his Person, and Government.

‘ And his Majesty is most graciously pleased to give you his Royal Word, that afterwards he will give you time, for considering of such Petitions, as you shall conceive to be good for the Commonwealth, even now before you part, according to the Season of the Year, and the great Affairs in Hand will permit; and what is now omitted, his Majesty will give you time to perfect towards Winter, when your own Leisure and Conveniency may better attend it, he knowing well that these Subsidies can be of little use, without that more ample Supply which his Majesty expects upon the happy Conclusion of this Session, and therein his Majesty is graciously pleased (according to the an-

‘ tient

‘ tient way of Parliaments) to stay till your just
‘ Grievances be heard and redressed.

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‘ And his Majesty assures you, that he will go
‘ along with you for your Advantage, through all
‘ the gracious Expressions of a just, a pious, and
‘ gracious King, to the end there might be such a
‘ happy Conclusion of this Parliament, that it may
‘ be a Cause of many more Meetings with you. I
‘ have now delivered what I have in Command from
‘ his Majesty.’

After which the King went on in the following
manner.

My LORDS,

YOU shall see he hath spoken nothing hyperbolically, *The King's*
or nothing but what I shall make good one way or speech.
other.

*And because he did mention a Letter by my Subjects
in Scotland, who did seek to draw in foreign Power for
Aid, here is the Original Letter, which I shall comma-
nd him to read unto you.*

*And because it may touch a Neighbour of mine, whom
I will say nothing of, but that which is just (God forbid
I should ;) for my part, I think it was never accepted
of by him ; Indeed it was a Letter to the French King,
but I know not that ever he had it ; for by chance I in-
tercepted it, as it was going unto him ; and therefore I
hope you will understand me right in that.*

His Majesty delivering the Letter [which you have
above] to the Lord-Keeper, his Lordship began to
read it, and observed as followeth.

‘ The Superscription of the Letter is this, *AU The Lord-
‘ R O Y.* For the nature of which Superscription, it *Keeper goes*
‘ is well known to all that know the Style of *France,* *on.*
‘ that

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that it is never written by any French-man to any, but to their own King; and therefore being directed (*AU ROY*) it is to their own King, for so in Effect they do by that Superfcription acknowledge.

Reads the Scotch Lord's Letter to the King of France. The King concludes the Discourse.

Then his Lordship having read the Letter both in French and English, the King continued his Discourse as followeth.

Of these Gentlemen, that have set their Hands to this Letter, here is one, and I believe you will think it very strange, if I should not lay him fast, and therefore I have signed a Warrant, to lay him close Prisoner in the Tower.

My Lords, I think (but that I will not say positively, because I will not say any Thing here, but what I am sure of) I think I have the Gentleman that should have carried the Letter fast enough; but I know not, I may be mistaken.

Glanville chosen Speaker.

The King being withdrawn, the Commons returned to their House, and chose Serjeant Glanville for their Speaker.

The Parliament meddles not with the Scotch Affairs. Whitlock, p. 32.

The King imagined the Parliament would take fire at hearing the Letter written by the Scottish Lords to the King of France. And therefore immediately after the Commons had presented their Speaker, and appointed their Committees, the Lord Castlington reported to the Upper-House, that by his Majesty's Command, he and Secretary Windbank, with the Attorney-General, had examined the Lord Lowdon in the Tower, and that Lowdon owned the Letter to be his Hand-Writing, but alledged that it was penned before the Pacification and never sent. However, neither

* There were (says *Barnes*) some ill Instruments about the King; who advised him to proceed capitally against Lowdon, which is believed

neither the *Lords* nor *Commons* would interpose in this Affair. Some Days after the King sent a Message to the *Commons* by Secretary *Windebank*, representing to them the Affronts and Indignities the *Scots* had put upon him: But the Secretary's Speech was heard with great Coldness, without having any Effect in Appearance. Instead of meddling in the Affairs of *Scotland*, the *Commons* greedily received a *Petition* from the County of *Hereford*, complaining of sundry Grievances, as *Ship-Money*, *Monopolies*, *Star-Chamber*, *High-Commissioner*. Several Speeches not very favourable to the King were made on this Occasion. The next Day were read *Petitions* from divers Counties upon the same Subject, after which Mr. *Pym* rose up, and having reduced the Grievances of the People to three Heads, namely, the Privileges of Parliament, Innovations in Religion. Propriety of Goods and Estates, made a long Speech to show that in all these Things, the Nation's Rights had been infringed.

On the 18th it was moved to send for the *Rolls* of the *Star-Chamber*, to examine the Process against Sir *John Elliot* and some others. Then it was ordered that the Court-Rolls, containing Mr. *Hambden's* Tryal for refusing to pay *Ship-Money*, should be laid before the *House*. On the 20th the Speaker being examined, answered, That he had refused to put the Question by his Majesty's express Command; whereupon it was immediately voted to be a Breach of Privilege. On the 21st both *Houses* were ordered to attend the King at *Whitehall*, where the Lord-Keeper spoke to them in this manner, in the King's Presence.

The Houses
are sent
for to
Whitehall;

My

lieved went very far: However, the Marquis of *Hamilton* with the King's Permission tried to gain *London* to the King; and finding him pliant, they came to a private Agreement, and *London* was enlarged, and permitted to go down to *Scotland*, having promised to do the King Service. See *Burnet's Memoirs*, p. 170.
171.

My LORDS and GENTLEMEN,

*The Lord-
Keeper's
Speech to
both Hou-
ses.
Rush
Vol. III.
p. 1137.
Nelson I.
p. 324.*

‘ **Y**OU may well remember, upon the begin-
‘ ning of this Parliament, his Majesty com-
‘ manded me to deliver unto you the Causes of cal-
‘ ling of it, which was for the Assistance and Supply
‘ of his Majesty in so great, weighty, and important
‘ Affairs, as ever King of *England* had to require at
‘ his Subjects Hands.

‘ I am now to put you in Mind what I then said
‘ unto you, and withal to let you know that such
‘ and so great are his Majesty’s Occasions at this
‘ time, that if the Supply be not speedy, it will be
‘ of no use at all: For the Army is now marching,
‘ and doth stand his Majesty in at least *one Hundred*
‘ *Thousand Pounds a Month*, and if there be not means
‘ used to go on with this as is fitting, his Majesty’s
‘ Design will be lost, and the Charge all cast away.
‘ It is not a great and ample Supply for the perfect-
‘ ing of the Work, that his Majesty doth now ex-
‘ pect, but it is such a Supply (as without which)
‘ the Charge will be lost, and the Design frustrated,
‘ being built upon those weighty Reasons which
‘ tend to the infinite Good of the Kingdom, and Pre-
‘ servation of you all.

‘ This done, his Majesty will give you Scope and
‘ Liberty to present your just Grievances unto him,
‘ and he will hear them with a gracious Ear, and
‘ give them such an Answer, as you and all the
‘ Kingdom shall have Reason to joy therein.

‘ His Majesty taketh notice of one Particular,
‘ and that is concerning *Ship-Money*; wherein his
‘ Majesty hath commanded me to declare thus much
‘ unto you: First, his Majesty never had it in his
‘ Royal Heart to make an annual Revenue of it,
‘ nor ever had a thought to make the least Benefit

‘ or

Or Profit of it : But whatsoever he did or intended in it, it was for the common Good of you all ; for the honour, glory and splendor of this Nation, and that every one of us are made sharers and partakers in the Benefits, Fruits, and Successes of it, which otherwise you would have felt the Wors of it. He hath been so far from making the least Benefit of it, that he hath expended great Sums of Money out of his own Coffers to work with, to those necessary Ends I have named unto you.

The Accompts of such Moneys so received, have been brought to the Council-Table, the Monies delivered to Sir *William Russel* the Treasurer of the Navy, and by them all it may appear whether there hath been a fulness and cleareness of Truth in the disbursement thereof, for the good and safety of the Kingdom.

It is true, his Majesty had once intended this Year not to have taken that Course, but an Army which his Majesty, so just a King for the Preservation of the Kingdom, hath now taken into Consideration ; and I must tell you, that his Majesty prizeth nothing more than his Honour, and he would not lose for any earthly Thing, his Honour in the least ; They cannot make those Expressions of Love, Duty and Affection to him, which the graciousness of his Nature will not exceed in.

Of all his Kingdoms this ought to be the nearest and dearest unto him ; yet for his Kingdom of *Ireland*, the last Parliament before this, the very second Day of the Parliament, they gave him six Subsidies, they relied upon his gracious Words, the Success was that before the end of the Parliament they had all that they desired granted, and had it with an Advantage. This last Parliament there, it is well known unto you all, what a chearful Supply they have given unto his Majesty, for their Hearts went with it ; and let it not be apprehend-

ed,

‘ ed, that Subsidies there are of a small Value ;
 ‘ there is not a Subsidy that is granted, but it is
 ‘ worth *fifty or sixty Thousand Pounds* at the least :
 ‘ Consider that Kingdom, what proportion it hold-
 ‘ eth with this of *England*, and you will find that it
 ‘ is as considerable a Gift, as hath been given in many
 ‘ Years. It hath wrought this Effect, that certain-
 ‘ ly his Majesty will make it apparent to all the
 ‘ World, what a good Construction, and how gra-
 ‘ ciously he doth esteem and interpret this Act of
 ‘ theirs. I have directed hitherto my Speech to you
 ‘ that are of the House of *Commons* ; now I shall
 ‘ address my self to your Lordships.

‘ It is true, the proper and natural Supply pro-
 ‘ ceeds from the House of *Commons*, yet in Aid at
 ‘ this time, his Majesty hath called you hither, and
 ‘ hopeth he shall not find the House of *Commons*
 ‘ backward to his Desires, nor your Lordships to
 ‘ concur with them.

‘ To you of the House of *Commons*, I did forget
 ‘ one Thing of an Objection that might perhaps be
 ‘ made ; that *Tonnage* and *Poundage* is given towards
 ‘ the Maintenance of a *Fleet* at Sea, let me tell you
 ‘ that *Tonnage* and *Poundage* was never intended but
 ‘ for ordinary Preservation of the Sea, not that that
 ‘ should be to defend the Dominion of the narrow
 ‘ Seas, when the Navies of all the Princes of *Chri-*
 ‘ *stendom* are so increased as they are. It is fit for
 ‘ his Majesty (as Things now stand) to have such a
 ‘ Strength at Sea, as may be a Terrour to others a-
 ‘ broad.

‘ His Majesty was once resolved that no *Shipping-*
 ‘ *Writs* should have issued out this Year, but he was
 ‘ enforced for your good, and the good of the King-
 ‘ dom, and for his Honour, upon necessary and
 ‘ weighty Reasons to send forth *Writs*, and those
 ‘ Reasons were these.

' It was of Necessity for his Majesty to prepare
 ' an Army to reduce his disaffected Subjects of *Scot-*
 ' *land* to their due Obedience. This very Year all
 ' the neighbouring Princes are preparing with great
 ' *Fleets* of Ships, so as it is time for his Majesty to
 ' put himself into a Strength that he may be able
 ' to preserve the Dominion of the narrow Seas; with-
 ' out which this Kingdom will be lost, he not able
 ' to maintain his Right of being the Moderator of
 ' the Sea, whereby there may be Freedom and
 ' Commerce of Trade, which adds exceedingly to
 ' the flourishing of this Kingdom. Another Reason
 ' for *Shipping-Writ* this Year is, That those of *Al-*
 ' *gier* are grown to that Insolency, that they are
 ' provided of a *Fleet* of sixty Sail of Ships, and have
 ' taken divers Ships, and one called the *Rebecca* of
 ' *London* (well known to the Merchants upon the
 ' *Exchange*,) taken upon the Coast of *Spain*, worth
 ' at the least *two Hundred and sixty Thousand Pounds*.
 ' And therefore the *Writ* having gone out upon
 ' those weighty Reasons, before it was possible the
 ' Parliament could give any Supply to provide for
 ' those Things, his Majesty cannot this Year forbear
 ' it, but he doth expect your Concurrence in the
 ' levying of it for the future. I shall speak unto
 ' you by his Majesty's Command, which may com-
 ' fort any *English* Heart: His Majesty hath no
 ' thoughts of enriching himself by the Moneys com-
 ' ing upon these *Writs*; he doth desire but to live
 ' as it behoves a King of *England*, able to defend
 ' you and this Nation in Honour and in Lustre,
 ' which is famous abroad, and glorious at home,
 ' and to live but like such a King, as every true *En-*
 ' *lish* Heart desireth their King should be.

' Be Masters of your own way, settle it so secure
 ' and so safe, that it may never come to the least
 ' Benefit and Advantage to himself, but for the
 ' common Good and those necessary Ends wherein
 ' you shall all share in your Plenty, Peace, Honour,
 ' and

1640.

‘ and whatsoever any *Englishman* shall glory in: His Majesty commands me to tell you, you shall provide nothing wherein you may receive all Security for the Property of your Goods; and nothing for securing your own Liberties; wherein he will not most readily listen unto you; and be as willing to grant, as you to ask. His Majesty doth now offer unto you the Reasons, Occasions; and the way to make this the most blessed and most happy Parliament that ever was, and that may produce such Effects, that the King may delight in his People, and the People in their King. And he layeth before you not only the Council to do so; but he will tell you the way, and that is, by putting Obligation of Trust and Confidence upon him, which shall more secure you than all that you can invent; or Fears or Jealousies can imagine to be provided for; It is a Course that good Manners, Duty, and Reason should require of you, to take into Consideration.’

The King is offended as the Proceedings of the Commons.

This Speech was not capable of hindering the *House of Commons* from proceeding in the Examination of the Grievances, and thereby they perverted the Order the King had prescribed them. The King was heartily vexed to see the Time slip away to no purpose, and that the *Commons* on the other Hand should have so little regard for him; as not to trust to his Promise of listening to their Grievances, when the Business of Supply should be ended. In short, perceiving that the *Commons* were not much moved by whatever he could represent to them, he managed so that the Lords demanded a Conference, where they endeavoured to show, that the Affair of Supply should precede that of Grievances. This Conference

He causes the Lords to demand a Conference.

Claren. I.
p. 134.

served only to retard the King's Matters. The *Commons* taking Offence that the Lords should meddle with what did not belong to them, voted it to be a

Breach.

Breach of Privilege *. This Contest took up the *Houses* several Days, and many Conferences were held, in which, contrary to the King's Expectation much Time was lost. Wherefore on the 1st of May the King sent a Message to the *Commons* for a positive Answer about the Supply he expected. But as they made no haste to return any, on the 4th of May his Majesty sent Sir Henry Vane Secretary of State with the following Message :

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His Majesty (the better to facilitate your Resolutions) *The King's*
this Day hath thought fit to let you know, that of his *Message.*
Grace and Favour he is pleased, upon your granting *May 4.*
twelve Subsidies to be presently passed, and to be paid in *Nelson I.*
three Years, with a Proviso, that it shall not determine *p 341.*
the Sessions, his Majesty will not only for the present for- *Clarend. I.*
bear the levying of any Ship-Money, but will give way *p. 135.*
to the utter abolishing of it, by any Course that your selves *Rush III.*
shall like best. *p. 1154.*

The *Commons* having taken this Offer into Consideration, great Debates ensued, many thinking the King's Demand exorbitant *1. However the Lord Clarendon, who was then a Member of the *House*, affirms, that notwithstanding the Clamours of those who opposed the Court, the *House* was inclined by degrees to give the King some Satisfaction. But as the *House* could not come to a Resolution the first Day, Sir Henry Vane was desired to acquaint his Majesty, that they hoped to return him an Answer the next Day. Mean while, the King was maliciously informed that the *Commons* sought only to gain Time, in order

The King
is wrong
informed.

* So high a Breach (says my Lord Clarendon) that they could not proceed upon any other Matter, until they first received Satisfaction from the *House of Peers*. Clarend I. p. 134.

*1 *Whitelock* says, Sir Henry Vane escaped not without Censures. That his Commission from the King was but to demand six Subsidies, and that his Mistake in requiring twelve Subsidies, was on purpose to raise the *House* to Animosity. Which, adds he, took Effect, but whether intended so or not, is hard to judge. *Whis. Mem.* p. 32.

1640.

to vote on the Morrow against the War with Scotland*. The King, to his great Misfortune, gave entire Credit to their Information, the Falsehood whereof he perceived not till it was too late to repair his Error: So on the Morrow, going to the House of Lords, and sending for the Commons, he made the following Speech, addressing himself only to the Lords:

My Lords,

*The King's
Speech at
the dissol-
ving of the
Parlia-
ment.
Rush.
Ibid.
Nelson,
p. 342.
Lord
Clarend.I.
p. 139.*

THERE can no Occasion of my coming to this House be so unpleasant to me as this at this time. The Fear of doing that which I am to do this Day, made me not long since, come into this House, where I express as well my Fears, as the Remedy which I thought necessary for the clearing of what is to follow. I must confess and acknowledge, that you, my Lords of the Higher-house did give me so willing an Ear, and with such an Affection did shew yourselves, that certainly I may say, that if there had been any Means to have given an happy End to this Parliament, you took it, so that it was neither your Lordship's Fault nor mine, that it is now so. Therefore in the first Place I must thank you, my Lords for your good Endeavours.

My Lords, I hope you remember what the first Day of the Parliament my Lord Keeper said to you in my Name, and what likewise he said in the Requesting-House in Whitehall, and what lately I said unto you in this Place my self. I name all this unto you, not doubting that you do not well remember it, but to shew you that I never said any Thing

* The Lord Clarendon says, Sir Henry Vane and the Solicitor-General made a worse Representation of the Honour and Affection of the House, than it deserved, and undertook to know that if they came together again they would pass such a Vote against ship-Money as would blast that Revenue, and other Branches of the Receipt. Vol. I. p. 139.

THAT in way of Favour to my People, but (by the Grate of God) I will punctually and really perform.

I know that they have insisted very much on Grievances; I will not say but there may be some, and though I will confidently affirm, that there are not by many Degrees so many as the publick Voice doth make them. Wherefore I desire you to take Notice, now especially at this time, that out of Parliament I shall be as ready (if not more willing) to hear and redress any just Grievances, as in Parliament.

There is one thing much spoken of, I mean as to Matters of Religion. Concerning which, albeit I fully expressed my self the last Day in this Place, yet I think it fit again on this Occasion to tell you, that as I am concerned, so I shall be most careful to preserve that Purity of Religion which I thank God is so well established in the Church of England, and that as well out of as in Parliament.

My Lords, I shall not trouble you long with Words, it being not my Fashion; wherefore to conclude, what I offered the last Day to the House of Commons, I think it is very well known to you all; as likewise how they accepted it, which I desire not to remember; but wish they had remembered, how at first they were told by my Lord-Keeper, that Delay was the worst kind of Denial; yet I will not lay this Fault on the whole House of Commons; I will not judge so uncharitably of those whom for the most Part I take to be loyal and well affected Subjects, but it hath been the malicious Cunning of some few seditiously affected Men, that hath been the Cause of this Misunderstanding.

I shall now end, as I have begun, in giving you Thanks for your Affections shewn to me at this Time, desiring you to go on and assist me in the maintaining of that regal Power that is truly

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'mine. As for the Liberty of the People, that they now so much startle at; know, my Lords, that no King in the World shall be more careful in the Propriety of their Goods, Liberty of their Persons, and true Religion, than I shall.
'And now, my Lord Keeper, do as I have commanded you.'

The Lord Keeper then added, *don't know* **T**

'My Lords, and you the Gentlemen of the House of Commons, The King's Majesty doth dissolve this Parliament.'

Some Members of the House of Commons are imprisoned. Nalson I. p. 344.

Next Day Officers were sent by the Council to search the Lord Brook's Pockets and Study for Papers, being suspected of holding Intelligence with the Scots. Henry Bellasis, [Knight of the Shire for the County of York] and Sir John Hotham, were examined in Council, and committed to the Fleet for refusing to answer to Questions concerning Things done in Parliament. John Crew, Esq; [afterwards Lord Crew] who had been Chairman of the Committee for the Affairs of Religion, refusing to deliver to the Clerk of the Parliament such Petitions and Papers as he had received, was sent to the Tower.

Clarendon I. p. 140.

The Lord Clarendon owns, the King had no sooner dissolved the Parliament, but he was heartily sorry for it *. Nevertheless, he published the following Declaration in Vindication of what he had done.

His

* He consulted the same Day or the next whether he might by his Proclamation recal them to sit again. *Clarendon I. p. 140.* Though the Lord Clarendon lays the Blame upon Sir Henry Vane, yet *Whitelock* says, it was chiefly by *Lord's* and the secret Council's Advice that the Parliament was dissolved. *Whitelock's Memoirs, p. 32.*

His Majesty's Declaration to all his loving Subjects, of the Causes which moved him to dissolve the last Parliament.

THE King's most excellent Majesty well knoweth, that the Calling, Adjourning, Proroguing and Dissolving of Parliaments, are, undoubted Prerogatives inseparably annexed to his Imperial Crown, of which he is not bound to render any account, but to God alone, no more than of his other Regal Actions.

Nevertheless his Majesty, (whose Piety and Goodness have made him ever to order and govern all things) that the Clearness and Candour of his Royal Heart may appear to all his Subjects, especially in those great and publick Matters of State, that have relation to the Weale and Safety of his People, and the Honour of his Royal Person and Government, has thought fit (for avoiding and preventing all sinister Constructions and Misinterpretation, which the Malice of some ill-affected Persons to his Crown and Sovereignty, hath or may practise to infuse into the Minds and Ears of his good and faithful Subjects) to set down by way of Declaration, the true Causes as well of his assembling as of his dissolving the late Parliament.

It is not unknown to most of his Majesty's loving Subjects, what Discouragements he hath formerly had, by the undutiful and seditious Carriage of divers of the Lower House in preceeding Assemblies of Parliaments, enough to have made him averse to those antient and accustomed Ways of calling his People together; when instead of dutiful Expressions towards his Person and Government, they vented their own Malice and Disaffections to the State, and by their subtle and malignant Courses endeavoured nothing more than

to bring into Contempt and Disorder all Govern-
ment and Magistracy.

Yet his Majesty well considering that but few
were guilty of that seditious and disorderly Beha-
viour, and hoping that Time and Experience had
made his loving Subjects sensible of the Difference
the whole Kingdom was like to be put into by the
ill-governed Actions of those Men, and his Ma-
jesty being over-desirous to tread in the Steps of
his most noble Progenitors, was pleased to issue
forth his *Writs* under the Great-Seal of *England* for
a Parliament, to be holden the Fifth Day of April
last. At which Day his Majesty by the *Lord-
Keeper* of his Great-Seal, was graciously pleased to
let both Houses of Parliament know how desirous
he was, That all his People would unite their
Hearts and Affections in the Execution of those
Counsels that might tend to the Honour of this
Majesty, the Safety of his Kingdoms, and the Good
and Preservation of all his People. And withal,
how confident he was that they would not be fail-
ing in their Duties and Affections to him and to
the Publick.

He laid open to them the manifest and apparent
Mischiefs threatned to this and all his other King-
doms, by the mutinous and rebellious Behaviour
of divers of the *Scottish* Nation, who had by their
Examples drawn many of his Subjects there into
a Course of Disloyalty and Disobedience, not fit
for his Majesty in Honour, Safety or *Wisdom* to
endure.

How (to strengthen themselves in their disloyal
Courses) they had addrest themselves to foreign
States, and treated with them to deliver them-
selves up to their Protection and Defence, as was
made apparent under the Hands of the prime
Ringleaders of that rebellious Faction.

These Courses of theirs tending so much to the
Ruin and Overthrow of this famous Monarchy,
united by the Descent of the Crown of *England*
upon

upon his Majesty and his Father of blessed Memory: His Majesty (in his great Wisdom, and in Discharge of the Trust reposed in him by God, and by the fundamental Laws of both Kingdoms, for the Protection and Government of them) resolved to suppress, and thereby to vindicate that Sovereign Power intrusted to him.

He had by the last Summer's Tryal found that his Grace and Goodness was abused, and that contrary to his Expectation, and their faithful Promises they had (since his being at *Berwick*, and the Pacification there made) pursued their former rebellious Designs: And therefore it was necessary now for his Majesty by Power to reduce them, to the just and modest Condition of their Obedience and Subjection, which whenever they should be brought unto, or seeing their own Errours, should put themselves into a Way of Humility and Obedience becoming them, his Majesty should need no other Mediator for Clemency and Mercy to them, than his own Piety and Goodness, and the tender Affection he hath ever born to that his native Kingdom.

This being of so great Weight and Consequence to the whole Kingdom, and the Charge of an Army fit to master such a Business amounting to such a Sum as his Majesty hath no Means to raise, having not only emptied his own Coffers, but issued between Three and Four Thousand Pounds which he borrowed of his Servants upon Security out of his own Estate, to provide such things as were necessary to begin such an Action with; his Majesty after the Example of his Predecessors, resorted to his People in their representative Body the Parliament, whom he desired (with all the Expressions of Grace and Goodness which could possibly come from him) the taking into serious and dutiful Consideration the Nature of these bleeding Evils, and how dangerous it was to lose the least Minute of Time, lest thereby those of *Scotland*

and should gain the Opportunity to grant their
 Parties with foreign States, that they would for
 a while lay aside all other Debates, and pass in Act
 for the speedy Payment of so many Subsidies, as
 might enable his Majesty to put in readiness for this
 Summer's Expedition those things which were to
 be prepared before so great an Army could be
 brought into the Field! For so much of his Majesty's
 For further Supply necessary for his Majesty's Un-
 dertaking, his Majesty declared, that he expected
 it not till there might be a happy Conclusion of
 that Session, and till their just Grievances might
 be first graciously heard and relieved.
 Wherein as his Majesty would most willingly
 have given them the Precedence before Matter of
 Supply, if the great Necessity of his Occasions
 could have permitted; so he was graciously pleased
 for their full Assurance and Satisfaction therein,
 to give them his Royal Word, that without de-
 termining the Session (upon granting of the Sub-
 sidies) he would give them before they parted
 as much Time as the Season of the Year, and the
 great Affairs in Hand would permit; for conside-
 ring all such Petitions as they conceived to be good
 for the Commonwealth, and what they would not
 now finish, they should have full time to perfect
 towards Winter: His Majesty graciously assuring
 them, that he would go along with them for their
 Advantage, through all the Expressions of a gra-
 cious and pious King, to the End there might be
 such a happy Conclusion of that, as might be the
 Cause of many more Meetings with them in Par-
 liament.
 From their first assembling until the 21st of
 April, the House of Commons did nothing that
 could give his Majesty any Content or Confidence
 in their speedy supplying of him: Whereupon he
 commanded both the Houses to attend him in the
 Banqueting House at Whitehall in the Afternoon of
 that 21st of April, where (by the Lord-Keeper) his
 Majesty

His Majesty put them in mind of the End for which they were assembled, which was for his Majesty's Supplies. That if it were not speedy it would be of no use unto him, part of the Army then marching at the Charge of above a Hundred Thousand Pounds a Month, which would all be lost if his Majesty were not presently supplied, so as it was not possible to be longer forborne.

Yet his Majesty then expressed that the Supply he for the present desired, was only to enable him to go on with his Designs for Three or Four Months, and that he expected no farther Supply till all their just Grievances were relieved.

And because his Majesty had taken notice of some Misapprehensions about the levying of Ship-Money, his Majesty commanded the Lord-Keeper to let them know, that he never had any Intention to make any Revenue of it; nor had ever made any, but that all the Money collected had been paid to the Treasurer of the Navy, and by him expended, besides great Sums of Money every Year out of his Majesty's own Purse.

That his Majesty had once resolved this Year to have levied none, but that he was forced to alter his Resolution, in regard he was of necessity to send an Army for reducing those of Scotland, during which time it was requisite the Seas should be well-guarded.

And besides, his Majesty had knowledge of the great Fleets prepared by all neighbouring Princes this Year, and of the Insolencies committed by those of Algiers, with the Store of Ships they had in readiness.

And therefore though his Majesty for this present Year could not forbear it, but expected their Concurrence in the levying of it, yet for the future, to give all his Subjects assurance, how just and royal his Intentions were, and that all his Aim was, but to live like their King, able to defend himself and them; to be useful to his Friends, and considerable

derable to his Enemies; to maintain the Sovereignty of the Seas, and so make the Kingdom flourish in Trade and Commerce: He was graciously pleased to let them know, that the ordinary Revenue now taken by the Crown, could not serve the Turn; and therefore that it must be by Ship-Money, or some other way, wherein he was willing to leave it to their Considerations, what better Course to find out, and to settle it in. They would (so the thing were done) which so much imported the Honour and Safety of the Kingdom.

And his Majesty for his part, would most readily and cheerfully grant any thing they could desire, for securing them in the Propriety of their Goods and Estates, and in the Liberty of their Persons. His Majesty telling them, it was in their Power to make this as happy a Parliament as ever was, and to be the Cause of the King's delighting to meet with his People, and his People with him.

That there was no such way to effect this, as by putting Obligations of Trust and Confidence upon him, which as it was the way of good Manners with a King, so it was a surer and safer Course for themselves, than any that their own Jealousies and Fears could invent; his Majesty being a Prince that deserved their Trust, and could not lose the Honour of it; and a Prince of such a gracious Nature, that disdained his People should overcome him by Kindness.

He had made this good to some other Subjects of his; and if they followed his Council, they should be sure not to repent it, being the People that were nearest and dearest unto him, and Subjects whom he did and had reason to value more than the Subjects of any his other Kingdoms.

His Majesty having thus graciously expressed himself unto them, he expected the House of Commons would have the next Day taken into Consideration

deration the Matter of Supply, and laid aside all
 other Debates, till that was resolved of, according
 to his Desire.

But instead of giving an Answer therein, such
 as the pressing and urgent Occasions required, they
 fell into Discourses and Debates about their pre-
 tended Grievances, and raised up so many and of
 so several Natures, that in a Parliamentary Way
 they could not but spend more time than his Ma-
 jesty's great and weighty Affairs could possibly
 afford.

His Majesty foreseeing in his great Wisdom,
 that they were not in the way to make this a hap-
 py Parliament, (which he so much desired and
 hoped) that nothing might be wanting on his part
 to bring them into the right Way, for his Ho-
 nour, the Safety of the Kingdom, and their own
 Good, he resolved to desire the Assistance of the
 Lords of the Higher-House, as Persons in Rank
 and Degree nearest to the Royal Throne; and who
 having received Honour from him and his Royal
 Progenitors, he doubted not would for those and
 many other Reasons, be moved in Honour and
 dutiful Affection to his Person and Crown, to dis-
 pose the House of Commons to express their Du-
 ties to his Majesty, in expediting the Matter of Sup-
 ply for which they were called together, and which
 required so present a Dispatch.

For this purpose, his Majesty in his Royal Per-
 son came again to the Lord's House on *Wednesday*
 the 24th Day of *April*, where himself declared to
 the Lords the Cause of his coming, which was to
 put them in mind of what had been by the Lord-
 Keeper in his Name delivered to both the Houses
 the first Day of the Parliament, and after at
Whitehall; how contrary to his Expectation, the
 House of Commons having held Consultation of
 Matter of Religion, Property of Goods, and Li-
 berty of Parliament, and voted some things con-
 cerning those Three Heads, had thereby given
 them

• them the Precedence before the Matter of his Supply. That his Necessities were such, they could not bear delay; that whatever he had by the Lord-Keeper promised he would perform, if the House of Commons would trust him.

• For Religion, that his Heart and Conscience went together with the Religion established in the Church of *England*; and he would give order to his Archbishops and Bishops, that no Innovation in matter of Religion should creep in.

• For the *Ship-Money*, that he never made, nor intended to make any Profit to himself of it, but only to preserve the Dominion of the Seas; which was so necessary, that without it the Kingdom could not subsist. But for the Way and Means, by *Ship-Money* or otherwise, he left it to them.

• For *Property of Goods* and *Liberty of Parliament*, he ever intended his People should enjoy them, holding no King so great, as he that was King of a rich and free People; and if they had not *Property of Goods* and *Liberty of Persons*, they would be neither rich nor free.

• That, if the House of Commons would not first trust him, all his Affairs would be disordered, and his Business lost. That though they trusted him in part at first, yet before the Parliament ended he must totally trust them; and in Conclusion, they must for Execution of all Things wholly trust him.

• Therefore since the Matter was no more, than who should be first trusted; and that the Trust of him first, was but a Trust in part, his Majesty desired the Lords to take into their Considerations his and their own Honour, the Safety and Welfare of this Kingdom, with the great Danger it was in, and that they would by their Advice dispose the House of Commons, to give his Supply the Precedence before the Grievances.

His Majesty being departed, the Lords took into serious Consideration what his Majesty had commended to their Care, and forthwith laying aside all other Debates, their Lordships delivered their Votes in these Words : *We are of Opinion, that the Matter of his Majesty's Supply should have Precedence, and be resolved of, before any other Matter whatsoever. And we think fit, there shall be a Conference desired with the House of Commons, to dispose them thereunto.*

Accordingly, the next Day being *Saturday*, the *Twenty-fifth Day of April*, a Conference was had in the *Painted Chamber* by a Committee of both Houses, where the Lord-Keeper (by the Lords Command) told the House of Commons of his Majesty's being the Day before in Person in the Higher-House, how graciously he had expressed himself in matter of Religion, Property of Goods, and Liberty of Parliament ; and that he would therein graciously hear and relieve them, and give them what in reason could be desired, with the Effect of what else had been graciously delivered unto them by his Majesty, as well touching his constant Zeal and Affection to the Religion established in the Church of England, as touching the *Ship-Money*.

By all the Proceedings herein declared, it is evident to all Men, how willing and desirous his Majesty hath been to make use of the antient and noble Way of Parliaments used and instituted by his Royal Predecessors, for the Preservation and Honour of this famous Monarchy : And that on his Majesty's Part nothing was wanting that could be expected from a King, whereby this Parliament might have had a happy Conclusion, for the Comfort and Content of his Majesty's Subjects, and for the Good and Safety of this Kingdom.

On the contrary it is apparent, how those of the House of Commons, (whose sinister and malicious Courses enforced his Majesty to dissolve this

Parliament) have vitiated and abused that ancient and noble way of Parliament, perverting the same to their own unworthy Ends; and forgetting the true Use and Institution of Parliaments.

For whereas, these Meetings and Assemblies of his Majesty, with the Peers and Commons of his Realm, were in their first Original, and in the Practice of all succeeding Ages, ordained and held as Pledges and Testimonies of Affection between the King and his People; the King for his part graciously hearing and redressing such Grievances, as his People in humble and dutiful Manner should represent unto him; and the Subjects on their part, (as Testimonies of their Duty) supplying his Majesty upon all extraordinary Occasions for Support of his Honour and Sovereignty, and for preserving the Kingdom in Glory and Safety.

Those ill-affected Members of the House of Commons, instead of an humble and dutiful way of presenting their Grievances to his Majesty, have taken upon them to be the Guides and Directors in all Matters that concern his Majesty's Government, both Temporal and Ecclesiastical: and (as if Kings were bound to give an Account of their Regal Actions, and of their manner of Government to their Subjects assembled in Parliament) they have in a very audacious and insolent Way, entred into Examination and censoring of the present Government, traduced his Majesty's Administration of Justice, rendred as much as in them lay odious to the rest of his Majesty's Subjects; not only the Officers and Ministers of State, but even his Majesty's very Government, which hath been so just and gracious, that never did this, or any other Nation enjoy more Blessings and Happiness than hath been by all his Majesty's Subjects enjoyed ever since his Majesty's access to the Crown: Nor did this Kingdom ever so flourish in Trade and Commerce, as at this present, or partake

take of more Peace and Plenty in all kinds whatsoever.

And whereas the ordinary Revenues of the Crown not sufficing to defray extraordinary Charges, it hath ever been the Usage in Parliaments, to aid and assist the Kings of this Realm with free and fitting Supply, towards the Maintenance of their Wars, and for making good their Royal Undertakings; whereby the Kingdom intrusted to their Protection, might be held up with Splendour and Greatness.

These ill affected Persons of the House of Commons, have been so far from treading in the Steps of their Ancestors by their dutiful Expressions in this kind, that contrarily they have introduced a way of bargaining and contracting with the King; as if nothing ought to be given him by them, but what he should buy and purchase of them, either by quitting somewhat of his Royal Prerogative, or by diminishing and lessening his Revenues; which Courses of theirs, how repugnant they are to the Duty of Subjects, how unfit for his Majesty in Honour to permit and suffer, and what Hazard and Dishonour they subject this Kingdom to, all Men may easily judge, that will but equally and impartially weigh them.

His Majesty hath been by this means reduced to such Straits and Extremities, that were not his Care of the publick Good and Safety the greater, these Men (as much as in them lies) would quickly bring Ruin and Confusion to the State, and render contemptible this glorious Monarchy.

But this Forwardness and undutiful Behaviour of theirs, cannot lessen his Majesty's Care of preserving the Kingdoms entrusted to his Protection and Government, nor his gracious and tender Affection to his People, for whose Good and Comfort his Majesty by God's gracious Assistance will so provide, that all his loving Subjects may still enjoy

' enjoy the Happiness of living under the blessed
 ' Shade and Protection of his Royal Majesty;
 ' In the mean time, to the rest all his Majesty's
 ' loving Subjects may know how graciously his Ma-
 ' jesty is inclined to hear and redress all the just
 ' Grievances of his People, as well out of Parlia-
 ' ment as in Parliament, his Majesty doth hereby
 ' further declare his Royal Will and Pleasure, that
 ' all his loving Subjects who have any just Cause to
 ' present, or complain of any Grievances or Oppres-
 ' sions may freely address themselves by their hum-
 ' ble Petitions to his sacred Majesty, who will gra-
 ' ciously hear their Complaints, and give sufficient
 ' redress therein, that all his People shall have just
 ' Cause to acknowledge his Grace and Goodness to-
 ' wards them; and to be fully satisfied, that no Persons
 ' or Assemblies can more prevail with his Majesty,
 ' than the Piety and Justice of his own Royal Na-
 ' ture, and the tender Affection he doth and shall
 ' ever bear to all his People and loving Subjects.'

After the reading of his Declaration, the inserting
 it here at length will perhaps be thought needless at
 first Sight, since it contains nothing but what was re-
 lated before. However it is of use to show that the
 King and his Adversaries agreed as to Facts, but
 differed about the Consequences and Right.

*The King
 continues
 the Con-
 vocation.
 Claren. I.
 p. 192.
 Rush.
 Vol. III.
 p. 1172.*

Though the Parliament was dissolved, the King
 however continued the sitting of the *Convocation*, un-
 der the Title of a *Synod*. Since the time of the Refor-
 mation it had been always customary to assemble the
 Clergy at the same time with the Parliament, and
 this usual Assembly of the Clergy was called the *Con-
 vocation*, and always begun and ended with Parlia-
 ments. The King not thinking himself tied up to a
 strict Observance of this Custom, dissolved the Par-
 liament, and continued the *Convocation*; contrary to
 the Opinion of several, who believed that in so doing
 he went beyond his Power. But the Judges of the
 Realm determined, that notwithstanding the Dissolu-
 tion

tion of the Parliament, the Convocation subsisted, unless dissolved by the King's *Writ* *. The Convocation therefore continued their Session a Month longer, and in that time did two Things which gave Occasion to the great Complaints in the ensuing Parliament. First, they made certain *Canons*, whereby all Clergymen and all Graduates in the Universities were enjoined to take the following Oath * :

A. B. do swear, That I approve the Doctrine and Discipline, or Government established in the Church of England, as containing all things necessary to Salvation: And that I will not endeavour, by my self or any other, directly or indirectly, to bring in *Papish*-Doctrine, contrary to that which is so established: Nor will I ever give my Consent to alter the Government of this Church, by Archbishops, Bishops, Deans and Archdeacons, &c. as it stands now established, and as by right it ought to stand; nor yet ever to subject it to the Usurpations and Superstitions of the See of Rome. And all these Things I do plainly and sincerely acknowledge and swear, according to the plain and common Sense and Understanding of the same Words, without any Equivocation, or mental Evasion, or secret Reservation whatsoever. And this I do heartily, willingly, and truly, upon the Faith of a Christian. *So help me God in Jesus Christ* *.

Oath appointed by the Convocation. Nelson I. p. 374. Ruth. Vol. III. p. 1187.

* This was the Opinion of *Finch, Manchester, Littleton, Banks, and Stukely*. However, the King granted a new Commission to continue the sitting of the Convocation.

* The Canons, Seventeen in all, with the Oath, were voted *verine contradictons*, except *Godfrey Goodman* Bishop of *Gloucester*, who did not relish the Oath. Wherefore he was suspended; but afterwards he submitted, took the Oath, and in a Letter to *Archbishop Laud* says, he was encouraged to dissent by Bishop *Montague*, though at that Instant he could have proved that *Montague* did visit and hold Correspondence with the Pope's Agent, &c. *Ruth. III. p. 1187.*

Reasons
Objections
against the
Oath.

This Oath was thought very strange, for several Reasons. 1. It was not liked that the Clergy should take upon them to enjoin Oaths, which in the general Opinion belonged to the Parliament only. 2. The at censors after the Word *Archdeacon*, gave great Offence to many People, because those that were could not tell what they were to understand by this Abbreviation. 3. The prescribing such an Oath was affirmed to be a Confinement, and tying down of the Civil Legislature, since thereby the Government was deprived of the Liberty of making any Alteration in the Discipline of the Church, which nevertheless might be altered without any danger to Salvation.

4. It was objected that the Person was to declare by such the Oath most willingly, though he was constrained thereto under very severe Penalties.

The second Thing the Convocation did before they broke up, was the granting the King for the Space of six Years. This Precedent, which tended to diminish the Parliament's Power, was no less disliked than the former. It is true, that to justify it, a Precedent was alledged, for it must be observed, that in this Reign, Instances or Precedents in favour of the Crown were looked upon as so many Laws. The Clergy it seems in the Year 1585, after having granted Elizabeth a Subsidy approved by the Parliament, made of themselves an Addition of two Shillings to the Pound, and the Queen accepted it without consulting the Parliament. But besides that this Precedent stood alone, there was a wide Difference between the Time of Elizabeth and that of Charles I. In Elizabeth's Days every Body was pleased with the Government. It was believed the Queen was not capable of making

The Clergy gives the King a Subsidy.

The Convocation voted six Subsidies, payable in six Years. Their Subsidies were rated according to the Valuation of Livings in the King's Books. A Subsidy of four Shillings in the Pound, amounted to about Twenty Thousand Pounds. So the whole Subsidy came to 120,000 L.

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an ill use of these illegal Favours, but employed the Money given her solely for the Good of the Kingdom. It was not the same in the Time of Charles I. The King was not trusted at all; It was known by Experience that he would draw from the least Precedent, Consequences destructive of the Liberty of Parliaments, and in fine, the Number of Malecontents was infinite. Nay, the King seemed to do every Thing that lay in his Power to increase the Number, of at least, not to trouble himself about it. And what inflamed still more the People's Discontent, was the seeing the *Papists* Recusants not only tolerated, but moreover protected, countenanced, and considered as the best Subjects. They resorted publickly to *Malls* to *Somerset-House*, and returned from thence in great Multitudes, as if their Churches had been allowed by Authority. A publick Agent from *Rome* resided at *London*, Count *Rozelli* by Name, who often went to Court in great Pomp, and whose House was the general Rendezvous of the *Catholics*. The Queen had prevailed with the King to receive this Agent as a Sort of Nuncio, and by that as well as by the avowed Protection she afforded those of his Religion, she drew upon herself the People's Hatred to such a Degree, that they were even wanting in that outward Respect they ought to have paid her.

All these Discontents were fomented by the *Scotts*, The *Scotts* who seeing themselves upon the Point of being attacked, were extremely diligent by means of their *Emissaries*, to stir up the People against the King. In justifying their own Conduct, they forgot not to insinuate to the *English*, that the Tyranny which was endeavouring to be set up in *Scotland*, was in order to introduce the same into *England*. And that if the King laboured to support the *Hierarchy* erected in the *Kirk* of *Scotland* by his Father and himself, it was not so much for the sake of *Episcopal Government*, as in order to establish in that Kingdom an Arbitrary Power, which would be one Day fatal to the *English*. Nay, that there was great Danger, that often he had

The People are discontented.

The *Papists* are countenanced. *Claren. I. Part 2. ch. 1.*

The *Scotts* incite the *English* against the King.

1640.

accomplished his Designs, he would restore *Papery* in his Kingdoms, since he could refuse nothing to the Queen; to *Land*, and the other Enemies of the Protestant Religion. The King himself by his Conduct made those Insinuations so plausible, that besides the *Presbyterians*, who were very numerous, there were many Church-of-England-Men who could not forbear dreading that the King's Zeal for the Church was only a Lure to draw them in, to be subservient to his more hidden Designs. Be this as it will, the Kingdom was full of Suspicions, Fears, Jealousies, Divisions, insomuch that if the King had been well informed, he might easily have seen there were but very few that served him willingly and cheerfully in the War he was going to wage with *Scotland*. This he had Cause to know presently after.

The King
uses un-
dry ways
to raise
Money.
Nalson I.
p. 489.

Ibid.
p. 491.

The King being engaged in a War with *Scotland*, without having received any Aid from the Parliament, was hard put to it. He even foresaw that it would not be possible for him to maintain his Army, unless he had recourse to extraordinary Methods, to raise Money. Accordingly he made use of the following Expedients to make up in part the Supply he had expected from the Parliament. 1. He ordered that the Counties should advance *Coat and Conduct* Money for their respective Troops. 2. He bought upon Credit of the *East-India*-Merchants all their Pepper, and sold it again for ready Money. 3. He took Forty Thousand Pounds worth of the *Bullion*, which the Merchants had brought into the Mint to be coined, which Sum was afterwards punctually repayed*.

* The *Bullion* of the Mint was ordered to be seized; but the Merchants representing to his Majesty and Council the great Prejudice it would be to his Majesty's Honour, Reputation and Interest, both at Home and Abroad, the Design was laid aside, and 40000*l.* taken up of the Merchants concerned in the Mint, upon Credit of the Customs, Nalson I. p. 491. There was likewise a Design to debauch the Coin, but it was laid aside by the Remarks of Sir Thomas Row in a Speech at the Council Table. Ibid.

4. He would have borrowed Three Hundred Thousand Pounds of the City of London, but had the Mortification to meet with a Denial. He was so displeased at it, that he resolved to be revenged in this manner. The City having some time before settled a Colony at *Londonderry* in *Ireland*, had obtained a Patent from the King for certain Lands in that Country. The *Londonders* had no sooner refused to lend the King Money, but the Lord-Mayor and the Sheriffs were cited before the *Star-Chamber*, to answer to the Charge of having abused the Patent, by usurping more Lands than the King had granted to the City. Upon this Charge, whether well or ill-grounded, the *Londonders* were condemned to forfeit their Rights, and grievously fined; but upon payment of the Fine their Patent was restored. They had but too many Opportunities afterwards to be revenged of the King in their Turn. On the other Hand, the Writ to levy *Ship-Money* having been sent to the City of London, as well as to all the other Towns in the Kingdom, it appeared that the Lord-Mayor and City-Council had neglected to levy this Tax, or at least, they had not distrained any one Person for Non payment, according to the Tenour of the Writ. For this Reason, the Council sent the following Order to the Attorney-General.

At W H I T E H A L L, July 5. 1640.

Present, &c.

• **W** Hereas the Lord-Mayor of London and the two Sheriffs did this Day appear before his Majesty and the Board, to give an account of their Proceedings upon the Writ for the *Ship-Business* this present Year: Forasmuch as it did appear, that besides all former Neglects in the Execution of that Writ, his Majesty having respited the Information against them for the same; yet they have not since distrained any one Person ac-

An Order from the Council against the City of London.
Nelson I. p. 491.
Vol. III. p. 1203.

According to the said Writ. It was this Day ordered by his Majesty with the Advice of the Board, that his Majesty's Attorney-General shall forthwith prefer an Information in the Star-Chamber against the Lord Mayor, and Sheriffs of London and Middlesex, for their Contempt and Default in the Execution of the said Writ; and shall forthwith proceed against them *De die in Diem*, until the Cause be ready for hearing. And if upon Examination of the said Cause his Majesty's Attorney-General shall find sufficient Cause against any of the Aldermen, that then he doth prefer one other Information against the said Aldermen; and in like manner do proceed against them apart.

Thus the King, instead of giving over this odious Tax, continued to exact it with great Rigour, though his Affairs were then at a Crisis which should have made him dread that in Case the Issue of the Scotch War did not answer his Expectations, he should be hardly able to support himself. But in all Appearance he thought himself sure of Victory.

The English routed in defending the Pass of the Tine, Aug. 28.

Part of the Army designed against Scotland was now upon the Frontiers, under the Command of the Lord Conway, General of the Horse, whilst the rest lay incamped near York. The Earl of Northumberland, who was to command under the King, laid behind sick at London, and the Earl of Strafford, who was Lieutenant-General, had not been able to set out time enough, because he was a very necessary Member of the King's secret Council. The Lord Conway being advanced as far as Newcastle with Three Thousand Foot, and Fifteen Hundred Horse, was informed that Lesley, General of the Scots, was preparing to march at the Head of Two and Twenty Thousand Men, in order to enter England. And indeed he passed the Tweed the 20th of August, the very Day the King set out from London for York, where he arrived on the 23d. Lesley pursuing his March, came on the 27th to Newcastle, on the North-side of the Tyne, four Miles

1640.

Miles from *Newcastle*. At his Arrival he found the Lord *Conway* posted with his Troops on the South-side of the River, where he had raised Breast-works over against the two Fords, in order to oppose *Lesley's* Passage. It is needless to give a particular Account of this Action. It suffices to say in two Words, the *Scots* forced the Passage of the *Tyne*, after a Fight very poorly maintained by the *English*. The Lord *Conway* was seized with so great Terror, that he left *Newcastle* the next Day, and retreated to *Durham*, where not thinking himself yet safe, he went and joined the King's Army, which had advanced to *Northampton*. The King's Troops had no sooner quitted *Newcastle*, but the *Scots* entered and found there the Artillery and Stores the King had ordered thither, having designed that Place for the Magazine of his Army.

Newcastle
taken by
the *Scots*.

The Entrance of the *Scots* into England, and the Taking of *Newcastle*, broke all the King's Measures. Though in this first Action he had not lost above Three or Four Hundred Men, this inconsiderable Loss was attended however with Effects of great Consequence, all to the King's Disadvantage. 1. The Earl of *Strafford* having spoken a little too roughly to the Officers and Soldiers, who were returned from the Defeat of *Newburn*, displeased the whole Army, and thereby put the Vanquished upon magnifying in their own Vindication, the Valour and Number of the *Scotch* Troops. This could not but produce a very ill Effect in the King's Army, which before did not stand well inclined. 2. The *English* Male contents were more at ease, and spoke more boldly against the Government, well knowing it was no proper Season to silence them. 3. The *Scots* missed not this Opportunity to let the *English* see, by as moderate a Conduct as the Juncture would allow, that their Design in entering England, was not to injure the *English*, but only to procure Access to the King in order to lay their Grievances before him. By this means they separated as much as they could, the King's

Great Al-
teration in
the King's
Affairs.

Artifices of
the *Scots*.

1640.

Cable from that of the People of England, which did the King an unspeakable Prejudice. The Consternation the *Newbury* Defeat had thrown the People into, and on the other Hand, the Moderation of the Scots, who notwithstanding the Success of their Arms, affected to desire only an Accommodation, inclined the whole Nation to a Peace. None but the Court Party used their utmost Endeavours, though in vain, to inspire the English with a Desire of Revenge. As in the King's present Circumstances, with an hostile Army before him, and insinuating Numbers of Malecontents in all the Rest of the Kingdom, as well as in his own Army, it was not possible for him to employ in raising Money, the same Methods he had till then practised, there followed a general Opinion that a Parliament was absolutely necessary. To this it was that the Scots and the English Malecontents were desirous to bring him in spite of himself, well knowing it was hardly possible that a new Parliament should be biased in his Favour.

They justify themselves to the English.
Rush III.
P 1223.

The Scots had in England more Friends than the King had till now imagined, but he was not fully convinced of it, till his Affairs began to be upon the Decline. They had dispersed two *Manifesto's*, of which one was entitled, *Six Considerations of the Lawfulness of their Expedition into England*; and the other, *Intentions of the Scots and their Army manifested to their Brethren of England*. In these two Papers they were extremely careful to show that the Motive of their Armament and Entry into England, was not to invade that Kingdom, but only to defend themselves against some particular Persons, their sworn Enemies, among whom they named as the Principal, the Earl of *Strafford*, and Archbishop of *Canterbury*. They said, in their present Situation, their Country being blocked up by Sea and Land, and their Trade interrupted, it was not possible to expect any longer the coming of their Enemies to attack them, without being exposed to certain Ruin. They compared themselves to a Man who having his House beset,

and

1640.

and seeing his Enemies ready to break open the Door, opens it himself and falls upon them in hopes of averting, by a vigorous Effort, the impending Ruin. They maintained it was the King that had broke the Peace, after he had granted that the General-Assembly should regulate the Affairs of the Kirk, and its Regulations be ratified in Parliament, he had without any lawful Cause, prorogued the Parliament, before what the General-Assembly had judged necessary, was therein confirmed. Nay, he had denied to give Audience to the Deputies of the Parliament, and if he had agreed that other Deputies should be sent to him, it was only to amuse them, since the War with Scotland was already determined in the Council, and the Parliaments of Ireland and England were also convened for granting Subsidies. They carefully set forth the Justice and Equity of the late Parliament of England, in denying the King Money for a War so notoriously unjust. In short, for it would be too tedious to relate all the Particulars contained in these two Papers, their Aim was to manifest to the People of England, 1. The Justice of their Cause. 2. The Artifices of their Enemies to surprize them. 3. The Necessity they were under of taking up Arms in their own lawful Defence, and to prevent their Ruin. 4. They said, notwithstanding their Entry into England, the War was Defensive on their part, and 5. That they intended not to offer any Injury or Violence, or enrich themselves by the Plunder of the English, but only to procure Access to his Majesty in order to present their Grievances, which was denied them, unless they would entirely give themselves up to the Mercy of their Enemies. 6. They called God to Witness that this was their Intention; and the better to gain belief, they made use of the strongest Expressions and most solemn Oaths. 7. Lastly, they forgot not to hint to the English, that they had the same Cause to maintain, since the Liberties of England were equally in Danger with those of Scotland.

These

These Manifestos, which were doubtless the Product of the Councils or some of the English Members, wrought so upon the Minds of the People; the Army, and the Lords themselves who were not wholly devoted to the Court, that the King might very easily see how difficult it would be for him to support the War, and what Danger he would be exposed to if he hazarded a Battle at such a juncture. Nothing was more disadvantageous to the King than the extreme Desire the Scots expressed to accommodate Matters. They showed by that their Aim was not to make War upon the English, whereas it was the King's Interest to engage them both in a national Quarrel. Wherefore the Scots did not neglect the Advantage they might reap by so peaceable a Behaviour. As soon as they were Masters of Newcastle, they sent a very humble Petition to the King, beseeching him to give Ear to their Complaints, and cure their Evils, by the Advice of the Parliament of England. The King who was pressed on several Hands, had already summoned all the Nobility to meet him at York on the 24th of September; to give their Advice in the present Situation of his Affairs. He answered the Scots therefore, that their Petition was expressed in such general Terms, that he could return no direct Answer. But if they would speak more plainly, and set down the Particulars of their Demands, he would give such Answers as the Peers who were to meet at York should advise him to. Upon this they sent their Demands to the King, on the 18th of September, namely:

The Scots sue for Peace.
Nalson I. p. 433.
The King summons the Nobility to York.
Sept. 7.
Ibid.
p. 439.

The Scots demands.
Ruth. Vol. III. p. 1258.

1. That his Majesty would be graciously pleased to command that the last Acts of Parliament may be published in his Highness's Name, as your Sovereign Lord with the Estates of Parliament convened by his Majesty's Authority.

2. That

of 12. That the Castles of *Edinburgh* and other Strengths of the Kingdom of *Scotland* may according to the first Foundation be furnished and used for our Defence and Security.

13. That our Countrymen in his Majesty's Dominions of *England* and *Ireland* may be freed from all Censure for subscribing the Covenant, and be no more pressed with Oaths and Subscriptions unwarrantable by your Laws, and contrary to their national Oath and Covenant approved by his Majesty.

14. That the common Incendiaries which have been the Authors of this Combustion may receive to their just Censure.

15. That all our Ships and Goods, with all the Damage thereof may be restored.

16. That the Wrongs, Losses and Charges which all this time we have sustained may be repaired.

17. That the Declarations made against us as Traitors may be recalled, in the End by the Advice and Counsel of State of the *England* convened in Parliament, his Majesty may be pleased to remove the Garrisons from the Borders, and any Impediments which may stop free Trade.

It is visible from this last Article, how careful the Scots were to miss no Opportunity to gain the People of *England* to their Side. Accordingly they found one, which they suffered not to slip. As the *Londoners* had all their Coals from *Newcastle*, and could by no means be without that Trade, the Scots were no sooner Masters of *Newcastle*, but they wrote to the Lord-Mayor and Aldermen of *London*, That knowing how necessary the free Traffick of Coals was for their City, and other Places of *England*, they had, as a Testimony of greatest Respect and Good-will to the City of *London*, sent two Noblemen to declare to the Masters of Ships, who, possessed with needless Fears, were hastning out of the River, that their purpose was not to stop, but to use their best Means to continue that Trade.

They gain the Good-will of the *Londoners*.
Sept. 9.
Nelson I.
P. 435.

This

This Letter answered the Scots Expectation. Presently after it was talked publicly at *London* of presenting a *Petition* to the King to pray him to summon a Parliament. The Privy-Council, left by the King at *London*, having some notice of this Design, endeavoured to prevent it by a Letter directed to the Lord-Mayor and Aldermen; but they could not succeed. So a *Petition* was resolved upon, and sent to his Majesty at *York* by the Hands of some of the Aldermen and Common-Council, which was as follows:

Most gracious Sovereign,

A Petition of the Londoners to the King to call a Parliament.
Nelson I.
p. 436.
Ruth.
Vol. III.
p. 1263.

BEING moved with the Duty and Obedience which by the Laws your Petitioners owe unto your sacred Majesty, they humbly present unto your princely and pious Wisdom, the several pressing Grievances following, viz.

1. The pressing and unusual Impositions upon Merchandize, importing and exporting, and the urging and levying of Ship-Money, notwithstanding both which, Merchants Ships and Goods have been taken and destroyed both by *Turkish* and other Pyrates.
2. The Multitudes of Monopolies, Patents and Warrants, whereby Trade in the City and other Parts of the Kingdom is much decayed.
3. The sundry Innovations in Matter of Religion.
4. The Oath and Canons lately enjoined by the late Convocation, whereby your Petitioners are in danger to be deprived of their Ministers.
5. The great Concourse of Papists, and their Inhabitations in *London*, and the Suburbs, whereby they have more Means and Opportunity of plotting and executing their Designs against the Religion established.
6. The

6. The seldom Calling, and sudden Dissolutions of Parliaments, without the Redress of your Subjects Grievances.

7. The Imprisonment of divers Citizens for Non-payment of Ship-Money and Impositions, and the Prosecution of many others in the *Star-Chamber*, for not conforming themselves to Committees in Patents of Monopolies, whereby Trade is restrained.

8. The great Danger your sacred Person is exposed unto in the present War, and the various Fears that seized upon your Petitioners, and their Families by reason thereof; which Grievances and Fears have occasioned so great a Stop and Distraction in Trade, that your Petitioners can neither buy, sell, receive or pay as formerly, and tends to the utter Ruin of the Inhabitants of the City, the Decay of Navigation and Cloathing, and the Manufactures of this Kingdom.

Your humble Petitioners conceiving that the said Grievances are contrary to the Laws of this Kingdom, and finding by Experience that they are not redress'd by the ordinary Course of Justice, do therefore most humbly beseech your most sacred Majesty to cause a Parliament to be summoned with all convenient Speed, whereby they may be relieved in the Premises.

And your Petitioners, &c.

A few Days after the presenting this Petition, there followed another from Twelve Lords, in behalf of themselves and divers others. The Contents of which are these:

Most gracious Sovereign,

*Petition
from 12
Lords.
Nelson V.
I. p. 437.
Rush.
Vol. III.
p. 1260.*

THE Sense of that Duty and Service which we owe unto your sacred Majesty, and our earnest Affection to the Good and Welfare of this

1640.

your Realm of *England*, have moved us in all Humility to beseech your Royal Majesty to give us leave to offer unto your most princely Wisdom the Apprehension which we and other your faithful Subjects have conceived of the great Distempers and Dangers now threatening the Church and State of your Royal Person, and the fittest Means by which they may be prevented.

The Evils and Dangers whereof your Majesty may be pleased to take notice of are these.

1. That your sacred Majesty is exposed to Hazard and Danger in the present Expedition against the *Scottish* Army, and by the Occasion of the War your Revenue is much wasted; your Subjects burthened with Coat and Conduct-Money, Billering of Soldiers, and other Military Charges, and divers Rapines and Disorders committed in several Parts in this your Realm, by the Soldiers raised for that Service, and your whole Kingdom become full of Fear and Discontent.

2. The sundry Innovations in Matters of Religion; the Oath and Canons lately imposed upon the Clergy, and other your Majesty's Subjects.

3. The great Increase of Popery, and employing of Popish Recusants, and others ill-affected to the Religion by Law established in Places of Power and Trust, and especially commanding of Men and Arms both in the Field and other Counties in this Realm, whereas by the Laws they are not permitted to have Arms in their own Houses.

4. The great Mischief which may fall upon this Kingdom, if the Intentions which have been credibly reported of bringing in of *Irish* Forces shall take Effect.

5. The urging of *Ship-Money*, and Prosecution of some Sheriffs in the *Star-Chamber* for not levying of it.

6. The

116. The heavy Charges of Merchandize to the
 Discouragement of Trade, the Multipitude of Mo-
 nopolies and other Patentees, whereby the Commo-
 dities and Manufactures of the Kingdom are much
 burthened, to the great and universal Grievance of
 your People.

117. The great Grief of your Subjects by the In-
 termination of Parliaments, in the late former dis-
 solving of such as have been called, with the
 hoped Effects which otherwise they might have
 procured.

118. For a Remedy whereof, and Prevention of the
 Danger that may ensue to your Royal Person,
 and to the whole State, we do in all Humility and
 Faithfulness beseech your most excellent Majesty,
 that you would be pleased to summon a Parliament
 within some short and convenient Time, whereby
 the Cause of these, and other great Grievances
 which your poor Petitioners now lie under, may
 be taken away, and the Authors and Counsellors
 of them may be there brought to such legal Tryal
 and condign Punishment, as the Nature of the Of-
 fence does require; and that the present War may
 be composed by your Majesty's Wisdom without
 Bloodshed, in such manner as may conduce to the
 Honour and Safety of your Majesty's Person, and
 Content of your People, and Continuance of both
 of your Kingdoms against the common Enemy of
 the Reformed Religion.*

Francis Bedford.

Ro. Essex.

William Hartford.

Warwick.

Earl of Bristol.

Mulgrave.

Say and Seal.

Ed. Howard.

Bullingbrook,

Mandevile.

Brook.

Pagest.

Presently

* The King's Answer to this Petition was :

That before the Receipt thereof, he well foresaw the Danger
 " that

1640. Presently after, the King having called the York-
Petition of shire Gentry together, proposed to them the Pay-
the same ment of the Train'd-Bands for two Months. This
Mature by Proposition being accepted, the Gentlemen drew up
the Gentry an Address to acquaint the King with their Complaint:
of York- but withal they besought his Majesty to endeavour to
shire. compose the Differences with the Scots, and to sum-
Sept. 10. mon a Parliament. The Earl of Strafford being de-
Rush. sired to present the Address to the King, refused it,
Vol. III. unless the Clause about calling a Parliament was left
P. 1264. out, alledging, he knew it was the King's full pur-
 pose to do so. But the Gentlemen were unwilling
 to leave it out, and delivered their Address them-
 selves.

The King The King plainly perceiving by the *Petitions* which
resolves to were presented to him, that it was the Nation's fer-
call a Par- vent Desire a Parliament should be called, made no
liament. question but it would be the first Advice the *Peers*,
Chren. I. when assembled, would give him. He resolved
p. 154. therefore to prevent this Advice, by summoning a
 Parliament to meet on the 3d of November, for fear,
 if he delayed it any longer, it might be thought he
 was forced to it. The Great Council of the *Peers*
 being assembled at York the 24th of September, the
 King spoke to them as follows:

‘ My LORDS,

The King's ‘ UPON sudden Invasions where the Dangers
Speech to ‘ are near and instant, it hath been the Custom
his Great ‘ of my Predecessors to assemble the Great Council
Council of ‘ of the Peers, and by their Advice and Assistance,
Peers as ‘ to give a timely Remedy to such Evils, which
sembled at ‘ could
York.

Nelson I.

P. 442.

Rush.

Vol. III.

P. 1275.

“ that threatned himself and Crown, and therefore resolved to
 “ summon all the Peers to his Presence the 24th of September, and
 “ with them to consult what in this Case is fittest to be done for
 “ his Honour, and the Safety of the Kingdom, which the Petiti-
 “ oners with the rest might offer any thing conducing to their
 “ Ends.” *Whis. Mem. p. 35.* This is inserted, because *Rapin* so
 where mentions the King's summoning the Great Council of the
 Peers to meet at York till the Day of their Meeting.

could not admit a Delay so long, as must of Necessity be allowed for the Assembling of the Parliament.

This being our Condition at this time, and an Army of Rebels lodged within this Kingdom, I thought it most fit to conform my self to the Practice of my Predecessors in like Cases; that with your Advice and Assistance we might justly proceed to the Chastisement of these Insolencies, and securing of my good Subjects.

In the first Place, I must let you know, that I desire nothing more than to be rightly understood of my People. And to that end, I have of my self resolved to call a Parliament; having already given Order to my Lord-Keeper to issue the Writts instantly, so that the Parliament may be assembled by the 3d of November next: Whither if my Subjects bring those good Affections which become them towards me, it shall not fail on my part to make it a happy Meeting. In the mean time, there are two Points wherein I shall desire your Advice, which indeed were the chief Cause of your Meeting.

First, What Answer to give to the Petition of the Rebels, and in what manner to treat with them. Of which, that you may give a sure Judgement, I have ordered that your Lordships shall be clearly and truly informed of the State of the whole Business, and upon what Reasons the Advices that my Privy-Council unanimously gave me, were grounded.

The Second is, How my Army shall be kept on Foot and maintained, until the Supplies of a Parliament may be had. For so long as the Scotch Army remains in England, I think no Man will counsel me to disband mine: for that would be an unspeakable Loss to all this part of the Kingdom, by subjecting them to the greedy Appetite of the Rebels, besides the unspeakable Dishonour that would thereby fall upon this Nation.

1840.
It is re-
solved to
treat with
the Scots.
Rush.
Vol. III.
P. 1275.

When the King had thus spoken to the Lords, he commanded the Reasons to be read that had induced his Council to advise the levying an Army against the Scots, and the Petition of the Scots presented to the King since their taking of *Newcastle*, as also the King's Answer, and their particular Demands. Then, the Earl of *Traquair* by the King's Order explained these Demands to the Peers, and endeavoured to show how some of them subverted the fundamental Laws of the Kingdom of *Scotland*; others the just Prerogative and Dignity of his Majesty, and whereof many were to the Detriment of the King's Profit and Prejudice of divers good Subjects there. The Result of the Deliberations of the Peers was, that certain of themselves should be sent as Commissioners to treat with the Scots, and endeavour to conclude a Peace*. Pursuant to this Resolution, Sixteen Peers were chosen for Commissioners, to whom were added by the King as Assistants, the Earls of *Traquair*, *Morton*, and *Lanerick*, Secretary of *Scotland* [Sir *Henry Vane*] Sir *Lewis Steward*, and Sir *John Burrough*. It was farther agreed, that the Treaty should begin at *Rippon**; the 1st of *October*, and that the Earl of *Lanerick* should signify this Resolution to the Scots.

Commis-
sioners ap-
pointed.

Another
Resolution
to borrow
200,000 l.
of the
Londo-
ners.
Rush. III.
P. 1279.

This Point being dispatched, the King desired the Lords to consider of Means to maintain the Army during the Treaty. It is something strange, that the King should undertake this War, without having any Supply from the Parliament, and should be so ill-pro-
vided

* The Earls of *Hertford*, *Bedford*, *Pembroke*, *Salisbury*, *Essex*, *Holland*, *Bristol* and *Berkshire*; the Lords *Mandeville*, *Wharton*, *Dunsmore*, *Brook*, *Savile*, *Phelps*, *Howard* of *Witch*, say and more (who being sick was not present at *York*), were chosen by the King. *Clarend.* l. p. 155.

* *York* was named first, but the Scots refused to treat there, as not secure for their Commissioners, so long as the Earl of *Stratford* commanded there in chief, who had proclaimed them Traitors in *Ireland* before the King had done it in *England*. This was the first publick Appearance of the Scots Enmity against *Stratford*, (says *Whitlock*, p. 35.) and it is strange it should not be more regarded.

vided for the Payment of his Army, that within a Month after the opening of the Campaign, he was unable to sublist it. For my part, I cannot devise any other Reason of this Management, but only that, in order to support this War, he had depended upon such Methods as were no longer in his Power to employ. However this be, the Earl of *Strafford* having informed the Peers of the Number of Troops the King had on Foot, amounting to about Four and Twenty Thousand Men, gave them to understand that the Payment of this Army came to Three-score Thousand Pounds a Month, and that to keep the Army together for Three Months, no less would serve than the Sum of Two Hundred Thousand Pounds. He added, if the Army should disband, all *Yorkshire* would be lost in two Days, and the whole Kingdom endangered. Whereupon it was resolved that a Letter, subscribed by all the Peers present, should be sent to the City of *London* for lending the Two Hundred Thousand Pounds, upon such Security as should be agreed upon, each of the Peers offering to become bound.

The *Scots* having appointed their Commissioners to treat with the *English*, the Negotiation began at *Rippon* the 1st of *October* *. But before the main Point of the Treaty was entered upon, certain Preliminary Articles were to be settled, which the *Scots* had proposed as absolutely necessary to bring Matters to a happy Conclusion. They represented therefore that their Army had stopped at *Newcastle* and the adjacent Country by his Majesty's express Order: that they subsisted by Means of the Contributions raised upon *Cumberland*, *Newcastle* and *Durham*; and as the Negotiation might hold some time, it was necessary, before all Things, to provide for the Maintenance of their Troops during the Treaty. This was the prin-

The Treaty begins at Rippon. Clarend. I. p. 155. Preliminaries demanded by the Scots.

* The *Scottish* Commissioners were, the Earl of *Dunferling*, Lord *Lowden*, Sir *Patrick Heyburne*, Sir *William Douglas*, Mr. *Smith*, Mr. *Weddellburn*, Mr. *Henderon*, Mr. *Johnson*, Ruth. III. p. 1282.

1640.

principal Article they insisted upon, as a Preliminary to be adjusted before they began to treat. There were some other Articles of which I do not think it absolutely necessary to give a particular Account, since it will be seen presently what the Business in hand was by the Preliminaries that were agreed upon. I shall only add, that the *Scots* would never suffer the Earl of *Traquair* to assist at the Treaty, because he was one of those they called *Incendiaries*, and against whom they demanded severe Justice. After many Debates, the Commissioners of the two Nations agreed at last on the 4th of *October* upon the following Preliminaries.

Preliminary Articles for the Maintenance of the Scotch Army.
Nelson I.
p. 457.
Rush. III.
p. 1295.

1. That the *Scotch Army* shall have for a competent Maintenance the Sum of 8500*l.* per diem; and that the Payment thereof shall continue for two Months, in case the Treaty shall so long last; which Payment to be made weekly upon the Friday of every Week.

2. The Days of the returning of the Army to be numbred within the Days of the allowed Maintenance.

3. That the *Scotch Army* shall content themselves with the aforesaid Maintenance, and shall neither molest *Papists*, *Prelates*, nor their Adherents, nor any other Persons of whatsoever Quality.

4. That the Inhabitants of the said Counties shall also have liberty to return peaceably to their own Dwellings, and shall be refused no Courtesy, it being always presupposed that the fit Lodging of their Army shall be allowed.

5. That the Army be furnished with Coals in a regular Way, and not at the Pleasure of the Soldiers.

6. That there be a Provision of Forrage at the Prices to be set down in a Table; which must also contain the particular Prices of all sorts of Victuals, and other Necessaries for the Army, to be indif-

indifferently agreed upon by Persons nominated on both Sides.

1640.

That free Trade and Commerce between both Nations be restored, and not to be interrupted, but upon the Warning of Three Months.

But no Victuals, Arms, nor Ammunition to be imported into Newcastle, &c.

That Victuals and other Necessaries for the Army be free of Custom; And that His Majesty's Custom of Coals and other Ware be left free to be levied by his own Officers.

That there be a Freedom to furnish Necessaries for both Armies, and Liberty be granted for Milling, Brewing, &c.

That the Arrears of the Contributions due to the Scotch Army be compleatly paid to £900.

That there be a Cessation of Arms according to the Particulars to be agreed upon.

As for securing the Sum of 850 *l.* per *annum* above specified, there is a Committee appointed, who have Power to treat with Northumberland; the Bishoprick of Durham, Newcastle, and (if need require) with Cumberland and Westmoreland about the Payment of it.

The Lords will, before their going from York, settle a Committee, who shall have Charge to see the Contribution orderly raised and paid; and that there shall likewise be a Committee nominated, to whom either the Scotch Commissioners, or the Committees of the Country may weekly give an Account of the Carriage of the Business.

The Scots had the Address to prolong the Signing of these Preliminaries till the 16th of October, after which, it still remained to agree upon the Conditions of the Truce. It was therefore next to impossible to enter into a Discussion of the Articles which were to be the chief Subject of the Treaty, before the 3d of November, the Day appointed for

The Treaty is removed to London.
Rush.
Vol. III.
p. 1303.
Nelson I.
p. 461.

The King's
Errors.

Clarend.I.
p. 165.

the Meeting of the Parliament. The Lords, as well those at *Rippon* as those at *York*, being indispensably obliged to repair to *London*, it would have been to no purpose to begin the Negotiation at *Rippon*, where hardly would there have been time to let it on Foot. Wherefore the *English* Commissioners, whether of themselves or by the Suggestion of the *Scots*, proposed to the King the removing the Treaty from *Rippon* to *London*; and the King was forced to consent to it, though he plainly perceived the *Scots* expected to find many Friends at *London*, and in the Parliament itself, as it happened in effect. One may venture to say, that on occasion of this Treaty the King committed Three great Errors. First, in summoning the Parliament to meet at *Westminster*, since he could not be ignorant how disaffected to the Government the City of *London* was, and consequently how ready to countenance such Resolutions as the Parliament might take against it. Whereas had he summoned the Parliament to meet at *York*, or in any other Place at a good Distance from *London*, he would by that have broken in part the Measures of the *Scots* and *English* Male-contentments. He had but too much Reason afterwards to be sensible of this Errour.

The Second was, the removing the Treaty to *London*, where the *Scots* had their principal Friends. The Third, in having taken so short a Time for the Meeting of the Parliament, so that he had only the Month of *October* to conclude a Peace with the *Scots*, which was hardly a sufficient Space to agree upon the Preliminaries and Terms of the Cessation, before the King and Peers would be obliged to leave *York* and go to *London*. If he had not been in such haste to fix the Meeting of the Parliament to the 3d of *November*, he might have either concluded the Treaty with the *Scots*, by granting what he could not have helped, or at least, left them no Excuse, if they had obstinately persisted in any unreasonable Demands. Whereas the not being able to finish Matters at *Rippon*, forced him to remove the Conferences

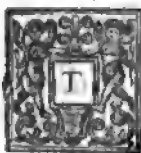
to London, a City well-affected to the Scots, and where they could better than any where else, take just Measures, whether with the chief Inhabitants, or with their Friends in the Parliament House. The King was sufficiently convinced of these Errors which it was too late to retrieve them.

That I may omit nothing which to me appears material in this History, I thought proper to add here the Earl of *Bristol's* Process in the Beginning of King *Charles's* Reign. After all, it is not foreign to the Purpose. On the contrary, this Process, with the Earl's Answers, may be of great service to give Light to the latter Part of the Reign of *James I.* in every thing relating to the Negotiation of the Marriage of Prince *Charles* with the *Spanish Infanta*, and the Restitution of the *Palatinate*. It may also give an Idea of the Character of *Charles I.* and the Duke of *Buckingham*. But it could not be inserted in any other Place without a too great Interruption of the Thread of the History.



THE TRAYAL

Of the Earl of BRISTOL



THE Earl of Bristol, who had been Ambassador in Spain, to treat about the Marriage of Prince Charles with the Spanish Infanta, was confined after his Return to England, without being ever suffered to come into the King's Presence. As long as King James lived, the Duke of Buckingham, who had procured the Earl this Disgrace, pretended however to be willing to adjust his Affair, if he would but answer to some Questions or Objections, before Commissioners appointed by the King. The Earl answered to those Questions; but he was not at all the nearer an Accommodation. On the contrary, he found himself much farther from it by the Death of King James, and the Accession of Charles I. to the Crown. The Earl of Bristol finding himself in a very indifferent Situation, was desirous of clearing himself if possible, without injuring his Honour. With this view it was that he applied to the Lord Conway Secretary of State, to desire him to intercede for him with his Majesty. There passed some Letters between these two Lords upon that Subject, and at last, during the second Parliament of King Charles in 1626, the Earl received from the Lord Conway, the following Letter.

My

My LORD,

I Received a Letter from your Lordship, dated Ruth.
the fourth of this Month, written in Answer to a Vol. II.
former Letter, which I directed to your Lordship by P. 238.
his Majesty's Commandment. This last Letter according to my Duty I have shewed unto his Majesty, who hath perused it, and hath commanded me to write back to you again, that he finds himself nothing satisfied therewith. The Question propounded to your Lordship from his Majesty, was plain and clear, whether you did rather chuse to sit still without being questioned for any Errors past in your Negotiation in *Spain*, and enjoy the Benefit of the late gracious Pardon granted in Parliament, whereof you may have the Benefit: Or whether for the clearing of your Innocency, (whereof your Self and your Friends, and Followers are so confident) you will be content to waive the Advantage of that Pardon, and put yourself into a legal way of Examination for the Tryal thereof. His Majesty's purpose thereby, is not to prevent you of any Favours the Law hath given you: but if your Assurance be such as your Words and Letters import, he conceives it stands not with that publick and resolute Profession of your Integrity to decline your Tryal. His Majesty leaves the choice to your self, and requires from you a direct Answer, without circumlocution or bargaining with him for future Favours beforehand; but if you have a desire to make use of that Pardon, which cannot be denied you, nor is any way desired to be taken from you, his Majesty expects you should at the least forbear to magnify your Service, and out of an Opinion of your Innocency, cast an Aspersion upon his Majesty's Justice, in affording you that present fulcrum of Liberty and Favour, which cannot be drawn from him, but in his good Time, and according to his good Pleasure.

Thus

Thus much I have in Commandment, to write to your Lordship, and to require your Answer clear and plainly, by this Messenger sent on purpose for it, and so remain,

Whitehall, 24
March, 1626.

Your Lordship's humble Servant,

Edw. Conway.

The Earl of BRISTOL'S Answer.

MY LORD,

I Have received your Letter of the 24th of *March* the Twenty-eighth, and I am infinitely grieved to understand that my former Answer to yours of the fourth of *March*, hath not satisfied his Majesty, which I shall endeavour to do this, to the best of my Understanding; and to that end shall answer to the particular Points of your present Letter, with the greatest Clearness I am able.

First, Whereas you say in your Letter, that the Question propounded to me was plain and clear,

Whether I would chuse to sit still without being questioned for any Errors past in my Negotiation in *Spain*, and enjoy the Benefit of the late gracious Pardon, whereof I may take the Benefit? Or whether being content to wave the Advantage of that Pardon, I shall put my self into a legal way of Examination for the Tryal thereof? &c.

First, Your Lordship may be pleased to remember your last Proposition was, whether I desired to rest in the Security I was in, which you now express, whether I will chuse to sit still?

Secondly, Your Proposition was, whether I would acknowledge the gracious Favour of his Majesty that now is, who had been pleased not to question my

Actions,

Actions, when it is best known to your Lordship, That by a Commission of the Lords, I was questioned upon Twenty Articles, divers involving Felony and Treason. Although it be true, that when I had so answered (as I am confident their Lordships would have cleared me) I was so unhappy, as their Lordships never met more about that Business.

But now your Proposition is, whether I will now chuse to sit still without being further questioned for Errors past, whereas before it was required I should acknowledge that I have not been questioned at all, which is a different Thing? But conferring both your Letters together, and gathering the Sense and Meaning, by making the latter an Explanation of the former, which I could have wished your Lordship would have more clearly explained, I return unto your Lordship this plain and direct Answer.

That understanding by the Security I am in, and sitting still, and not being further questioned, I am restored to the bare Freedom and Liberty of a Subject and Peer (for a Man being called in question by his Majesty, if after his Majesty shall be pleased out of his Goodness, that he rest quiet and secure, and that he shall not be farther questioned, I conceive that it is not apparent that his Liberty naturally revolveth unto him, when by his Majesty's Grace he is pleased to declare, he shall not be further questioned, but may live in further Security.) So that understanding your Letter in this sort (for no direct Answer can be made, until the Sense of the Question be truly stated,) I do most humbly acknowledge and accept his Majesty's Grace and Favour, and shall not wave any Thing that shall come to me by the Pardon of the 21 *Jas. Regis*, nor by the Pardon of his Majesty's Coronation; and am so far from bargaining, as you are pleased to express it, for future Favour (though I hope my humble and submissive Courses of Petitioning his Majesty, neither hath, nor shall deserve so hard an Expression) that I shall not pre-

some so much as to press for any Favour, until my duriful and loyal Behaviour may move his Majesty's Royal and gracious Heart thereunto, but receive with all Humbleness, this my Freedom and Liberty; which I shall only make use of in such sort, as I shall judge may be most agreeable to his Majesty's Pleasure.

As for the second Part of your Letter, wherein you say, that if I desire to make use of that Pardon, his Majesty expects that I should at least forbear to magnify my Services; or out of an Opinion of my own Innocency cast an Asperision upon his Majesty's Justice. To this Point I answer, That as I hope I shall never err in that sort of immodesty of valuing my Services, which I acknowledge to have been accompanied with infinite Weakness and Disabilities; so I trust it shall not displease, that I make use to my own Comfort, and the Honour of my Posterity, of those many written Testimonies which my late most blessed Master hath left me, of his gracious Acceptance of my Services for the space of Twenty Years. So likewise I hope the modest avowing of mine Innocency will not be thought to cast any Asperision upon his Majesty's Honour or Justice. I must freely confess unto your Lordship, I am much afflicted to see Inferences of this nature made, both in your Lordship's last Letter and in this. For if it shall be inferred as a Thing reflecting upon the King's Honour, that a Man questioned, shall not endeavour to defend his own Innocency before he be convicted, it will be impossible for any Man to be safe; for the Honour of his Majesty is too sacred a Thing for any Subject, how innocent soever, to contest against. So likewise, God forbid that it should be brought into Consequences, (as in your former Letter) as a Tax upon the Government and Justice of his late Majesty, and Majesty that now is, that I should have suffered so long time, not being guilty. For as I never have been heard so much as to repine of Injustice in their Majesties in all my Sufferings, so I well know, That
the

the long Continuance of my Troubles may well be attributed unto other Causes; as to my own Errours of Passion, or other Accidents; for your Lordships may well remember, That my Affairs were almost two Years since upon the point of a happy Accommodation, had it not been interrupted by the unfortunate mistaking of the Speeches I used to Mr *Clerk*.

I shall conclude by intreating your Lordship's Favour, That I may understand from you, as I hope for my Comfort, that this Letter hath given his Majesty Satisfaction; or if there should yet remain any Scruple, that I may have a clear and plain Signification of the King's Pleasure, which I shall obey with all Humility.

Your Lordship's humble Servant,

B R I S T O L.

Not long after, the Earl of *Bristol* being informed that the House of Commons were ill-affected to the Duke of *Buckingham*, he thought it proper to take hold of that Opportunity. For which purpose he petitioned the House of Lords, shewing, That he being a Peer of this Realm, had not received a Summons to Parliament, and desired their Lordships to mediate with his Majesty, that he might enjoy the Liberty of a Subject, and the Privilege of his Peerage, after almost two Years restraint, without being brought to a Trial. And if any Charge be brought in against him, he prayed that he might be tried by Parliament.

Upon which Petition, it was resolved in a Committee of the Upper House, That their Lordships should humbly beseech his Majesty, that a Writ of Summons might be sent to the Earl of *Bristol*.

Whereupon the Duke of *Buckingham* signified to the House, That upon the Earl of *Bristol's* Petition to the King, his Majesty had sent him his Writ of Sum-

mons :

mons : And withal, shewed to the Lords the Copy of a Letter written from the King unto the said Earl, being as followeth :

We have received your Letter addressed unto us by Buckingham, and cannot but wonder that you should through Forgetfulness, make Request to us of Favour, (as if you stood evenly capable of it, when you know what your Behaviour in Spain deserved of us, which you are to excuse by the Observations we made, and know you will remember : how at our first coming into Spain, taking upon you to be so wise as to foresee our Intention to change our Religion, you were so far from disswading us, that you offered your Advice and Secrecy to labour in it, and in many other Conferences pressing to shew how convenient it was to be a Roman-Catholick ; it being impossible to your Opinion to do any great Action otherwise. And how much wrong, disadvantage, and disservice you did to the Treaty, and to the Right and Interest of our dear Brother and Sister, and their Children ; what disadvantage, inconvenience, and hazard you intangled us in by your Artifices, putting off and delaying our return Home ; the great Estimation you made of that State, and the low Price you set this Kingdom at ; still maintaining that we, under Colour of Friendship to Spain, did what was in our Power against them, which they said, you very well knew : And last of all, your approving of those Conditions, that our Nephew should be brought up in the Emperour's Court ; to which Sir Walter Ashton then said, That he durst not give his Consent for fear of his Head : You replying unto him, That without some such great Action, neither Marriage nor Peace could be had.

The

The Lord-Keeper to the Earl of Bristol.

My very good Lord,

BY his Majesty's Commandment, I herewith send unto your Lordship your Writ of Summons for the Parliament; but withal signify his Majesty's Pleasure herein further; that howsoever he gives way to the awarding of the Writ; yet his meaning is thereby, not to discharge any former Directions for restraint of your Lordship's coming hither, but that you continue under the same Restriction as you did before; so as your Lordship's personal Attendance is to be forborn, and therein I doubt not but your Lordship will readily give his Majesty Satisfaction. And so I commend my Service very heartily unto your Lordship, and remain,

Your Lordship's assured Friend and Servant,

Dorset-Court,
March 31, 1626.

Theo. Coventry, C. S.

The Earl of BRISTOL'S Answer to the Lord-Keeper.

May it please your Lordship,

I Have received your Lordship's Letter of the 31st of March, and with it his Majesty's Writ of Summons for the Parliament; In the one his Majesty commandeth me that all Excuses set aside, upon my Faith and Allegiance, I fail not to come and attend his Majesty; and this under the Great-Seal of England. In the other, as in a Letter missive, his Majesty's Pleasure is intimated by your Lordship, that my Personal Attendance should be forborn: I must
crave

crane leave immediately to proceed with your Lordship
 that I want Judgment, rather than to do so, both in
 this Case, as likewise that I am assured here for
 this may trench upon the Privilege, and the Rights
 of this Land, and upon mine and my posterity's Rights
 For if the Writ be not obeyed, the Law will be
Misprision, and highly punishable, as hath been
 late Examples; and a misfivish Law, being one which
 not, as to be doubted would not be a sufficient
 Discharge against the Crown, but of England
 On the other Side, if the Letter be not obeyed, as
 Peer may, *De facto*, be committed to the Tower
 in the interim, and the Question cleared afterwards
 so that in this Case it is above mine Answering. I will
 only answer your Lordship, that I will most exactly
 obey; and to the end I may understand which Obedience
 will be, in all kinds, most suitable to my Duty
 I will presently repair to my private Lodging at
 London, and there remain until in this, and other Cases,
 I shall have petitioned his Majesty, and understand
 his further Pleasure. For the second part of
 your Lordship's Letter, where your Lordship saith
*That his Majesty's meaning is not thereby to discharge me
 former Directions, for restraint of your Lordship's coming
 hither, but that you continue under the same Restriction
 as before; so that your Lordship's Personal Attendance
 here is to be forbore*: I conceive your Lordship in-
 tendeth this touching my coming to Parliament, only
 for as touching my coming to London, I never had at
 any Time one Word of Prohibition, or colourable
 pretence of Restraint; but on the contrary, having
 his late Majesty's express leave to come to London,
 to follow my Affairs; out of my respect to his Ma-
 jesty, then Prince, and to the Duke of Buckingham,
 I forbore to come until I might know, whether my
 coming would not be disagreeable unto them. Where-
 unto his Majesty was pleased to answer, both under
 the Hand of the Duke, and of Mr. Secretary Con-
 way. That he took my respect unto him herein in
 very good part, and would wish me to make use of
 the

and Lorde the King had given me: Since which time
I never received any Letter or Message of Restraint;
until his Majesty by his Letter, bearing Date June the
last, commanded me to remain as I was in the Time
of the King his Father, which was with Liberty to
come to London to follow my own Affairs as I pleas-
ed, as will appear unto your Lordship, if you will
afford me so much Favour as to peruse them. I have
delivered this much unto your Lordship, because I would
not, through Misunderstanding, fall into Displeasure
by my coming up, and to intreat your Lordship to
inform his Majesty thereof: And that my Lord Com-
mons, by whose Warrant I was only restrained in the
late King's Time of famous Memory, may produce
not one Word, that may have so much as any colour-
able Pretence of debarring my coming up to Lon-
don: I beseech your Lordship to pardon my Desire
to have Things clearly understood; for the Want of
that formerly hath caused all my Troubles; and when
any Thing is misinformed concerning me, I have lit-
tle or no means to clear it; so that my chief Labour
is to avoid Misunderstanding. I shall conclude with
beseeching your Lordship to do me this Favour, to
let his Majesty understand, that my coming up is
only rightly to understand his Pleasure, whereunto I
shall in all Things most dutifully and humbly con-
form myself. And so with my humble Service to
your Lordship, I recommend you to God's holy
Protection, and remain,

Your Lordship's most humble Servant,

Station, April

BRISTOL.

as 1616.

*The Earl of BRISTOL's second Petition
presented to the House of Lords, April*

10, 1626.

The humble Petition of John Earl of BRISTOL.

Humbly shewing unto your Lordships,

THAT he hath lately received his Writ of Parliament, for which he returneth unto your Lordships most humble Thanks, but jointly with it a Letter from my Lord-Keeper, commanding him in his Majesty's Name to forbear his personal Attendance; and although he shall ever obey the least Intimation of his Majesty's Pleasure, yet he most humbly offereth unto your Lordship's wise Considerations as too high a Point for him, how far this may trench upon the Liberty and Safety of the Peers, and the Authority of their Letters Patents, to be in this sort discharged by a Letter missive of any Subject, without the King's Hand; and for your Lordships due Information, he hath annexed a Copy of the said Lord-Keeper's Letter, and his Answer thereunto.

He further humbly petitioneth your Lordships, That having been for the space of two Years, highly wronged in point of his Liberty, and of his Honour, by many sinister Aspersions which have been cast upon him, without being permitted to answer for himself; which hath been done by the Power and Industry of the Duke of Buckingham, to keep him from the Presence of his Majesty and the Parliament, lest he should discover many Crimes concerning the said Duke.

He therefore most humbly beseecheth, That he may be heard both in the Point of his Wrong, and of his Accusation of the said Duke; wherein he will make it appear, how infinitely the said Duke hath

both

both abused their Majesties, the State, and both Houses of Parliament. And this he is most confident will not be denied, since the Court of Parliament never refuseth to hear the poorest Subject seeking for redress of Wrongs, nor the Accusation against any, be he never so powerful : And herein he beseecheth your Lordships, to mediate to his Majesty, for the Suppliants coming to the House, in such sort as you shall think fitting ; assuring his Majesty, That all he shall say, shall not only tend to the Service of his Majesty and the State, but highly to the Honour of his Majesty's Royal Person, and of his Princely Virtues ; And your Suppliant shall ever pray for your Lordship's Prosperity.

Hereupon the Lord-Keeper delivered this Message from the King to the House of Lords.

That his Majesty hath heard of a Petition preferred unto this House by the Earl of *Bristol*, so void of Duty and Respects to his Majesty, that he hath great Cause to punish him ; That he hath also heard with what Duty and Respectfulness to his Majesty their Lordships have proceeded therein, which his Majesty conceiveth to have been upon the Knowledge they have, that he hath been restrained for Matters of State ; and his Majesty doth therefore give their Lordships Thanks for the same, and is resolved to put the Cause upon the Honour and Justice of their Lordships and this House. And thereupon his Majesty commanded him (the Lord-Keeper) to signify to their Lordships his Royal Pleasure, That the Earl of *Bristol* be sent for as a Delinquent, to answer in this House his Offences, committed in his Negotiations before his Majesty's being in *Spain*, and his scandalizing the Duke of *Buckingham* immediately, and his Majesty by Reflexion, with whose Privy, and by whose Directions the Duke did guide his Actions, and without which he did nothing. All which his Majesty will cause to be charged against him before their Lordships in this House.

The Lords appointed a Committee to attend the King, and to present their humble Thanks to his Majesty, for the Trust and Confidence he has placed in the Honour and Justice of their House.

May 1. 1626.

ON Monday the first of May, the Gentleman Usher brought the Earl of Bristol to the Bar according to their Lordships Order; and the Lord Keeper acquainted him, That the King had commanded his Attorney-General to charge the Earl of Bristol before their Lordships with High Treason, and other Offences, and Misdemeanours of a very high Nature, that they might proceed in a legal Course against him, according to the Justice and usual Proceedings of Parliament.

ARTICLES of Accusation against the Earl of Bristol, presented to the Upper House by the King's Attorney-General.

I. Offences done and committed by the Earl of Bristol, before his Majesty's going into Spain, where he was Prince.

AT the said Earl being gifted and employed by the said late King as our Ambassador at Ferdinand, when and now Emperor of Germany now to Philip the fifth, when and now King of Spain, in the Annis 1621, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 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797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

ons, Territories, and Possessions of the Count Palatine of Rhine, who married with the most excellent Lady Elizabeth his now Royal Consort, the only Daughter of the said late King James; which were then wrongfully and in hostile Manner taken, and possessed with and by the Armies of the said Emperour and King of Spain, or any other; and for preserving and keeping such other Parts thereof as were not then lost, but were then in the Protection of the said late King James; and to the Use of the said Count Palatine and his Children: And also to treat with the said King of Spain for a Marriage to be had between the most high and excellent Prince Charles, then Prince of Wales, the only Son and Heir Apparent of the said King James; and now our most Sovereign Lord, and the most illustrious Lady Donna Maria the Infanta of Spain, Sister to the now King of Spain: He the said Earl, contrary to his Duty and Allegiance, and contrary to the Trust and Duty of an Ambassador, at Madrid in the Kingdom of Spain, to advance and further the Designs of the said King of Spain against our said Sovereign Lord, his Children, Friends and Allies; falsely, willingly, and traiterously, and as a Traitor to our said late Sovereign Lord the King, by sundry Letters and other Messages sent by the said Earl from Madrid, in the Years afore said, unto King James and his Ministers of State of England, did confidently and resolutely inform, advise, and assure the said late King, that the said Emperour and King of Spain, would really, fully and effectually make Restitution and plenary Restauration to the said Count Palatine and his Children of the said Dominions, Territories and Possessions of the said Count Palatine, and of the said Electoral Dignity: And that the said King of Spain did really, fully and effectually intend the said Marriage between the said Lady his Sister, and the said Prince our now Sovereign Lord, according to Articles formerly propounded between the said Kings: Whereas in truth, the said Emperour and King of Spain, or

either of them, never really intended such Restitution as aforesaid; and whereas the said King of Spain never really intended the Marriage according to those Articles propounded, but the said Emperour and the King of Spain, intended only by those Treaties, to gain Time to compass their own Ends and Purposes, to the Detriment of this Kingdom, (of all which, the said Earl of Bristol neither was nor could be ignorant) the said late King James by entertaining those Treaties, and continuing them upon those false Assurances given unto him by the said Earl, as aforesaid, was made secure, and lost the Opportunity of Time, and the said Dominions, Territories and Possessions of the said Count Palatine, and the Electoral Dignity become utterly lost; and some parts thereof were taken out of the actual Possession of the said King James, unto whose Protection and Safe-keeping they were put, and committed to the said Count Palatine; and the most excellent Lady Elizabeth his Wife, and their Children, are now utterly dispossessed and bereaved thereof, to the high Dishonour of our said late Sovereign Lord King James, to the Dishonour of the said late King's Children, and their Posterity, of their antient Patrimony, and to the Disadvantage and Discouraging of the Rest of the Princes of Germany, and other Kings and Princes in Amity and League with his Majesty.

II.

That the said Earl of Bristol being Ambassador for his late Majesty King James as aforesaid, in *Annis supradictis*, and having received perfect, plain, and particular Instructions and Directions from his said late Majesty, that he should put the King of Spain to a speedy and punctual Answer, touching the Treaties aforesaid: And the said Earl well understanding the Effect of those Instructions and Directions so given unto him, and taking precise Knowledge thereof; and also knowing how much it concerned his late

late Majesty in Honour and Safety (as his great Affairs then stood) to put these Treaties to a speedy Conclusion. Yet nevertheless, he the said Earl, falsely, willingly and traiterously, contrary to his Allegiance, and contrary to the Trust and Duty of an Ambassador, continued those Treaties upon Generalities, without effectual pressing the said King of *Spain* unto particular Conclusions, according to his Majesty's Directions as aforesaid; and so the said Earl intended to have continued the said Treaties upon Generalities, and without reducing them to Certainities and to direct Conclusions, to the high Dishonour of his said late Majesty, and so the extreme Danger and Detriment of his Majesty's Person, his Crown and Dominions, Confederates and Allies.

III.

That the said Earl of *Bristol* being Ambassador for his said late Majesty as aforesaid, in the three Years aforesaid, to the Intent to discourage the said late King *James*, for the taking up of Arms, entering into Hostility with the said King of *Spain*, and for resisting him and his Forces, from attempting the Invasion of his said late Majesty's Dominions, and the Dominions of his said late Majesty's Confederates, Friends and Allies; the said King of *Spain* having long thirsted after an universal Monarchy in these western Parts of the World, hath many times both by Words and Letters to the said late King and his Ministers, extolled and magnified the Greatness and Power of the said King of *Spain*, and represented unto his said late Majesty, the supposed Dangers which would ensue unto him, if a War should happen between them; and affirmed and insinuated unto his said late Majesty, That if such a War should ensue, his said late Majesty during the rest of his Life, must expect neither to hunt nor hawk, nor eat his Meat in quiet: Whereby the said Earl of *Bristol* did cunningly and traiterously strive to retard the Resolutions of the

England and the Bishops of this Church and Seat, had intended and resolved, that if the said Mateo was heard of as aforesaid, he should by his Ministers be effected, that thereby all the *Romish* Religion and Professors thereof should be advanced within his Majesty's and other his Majesty's Realms and Dominions, and the true Religion and Professors thereof discouraged and discountenanced. And to that end and purpose, the said Earl, during the Time aforesaid, by Letters unto his late Majesty, and otherwise, often counselled and persuaded his said late Majesty to grant liberty the Jesuits and Priests of the *Romish* Religion, which, according to the good, religious and publick Laws of this Kingdom, were imprisoned or restrained, and to grant and to allow unto the Papists and Professors of the *Romish* Religion, free Toleration and silencing against the Laws made and standing in force against them.

VI. It was also said by the said Earl, that by the said Informations and Intelligence of the said Earl of *Bristol* during the Time aforesaid, unto his said late Majesty, and to his Majesty (that now is, being then Prince,) concerning the said Treaties, and by the Assurances aforesaid given by the said Earl, to his said late Majesty, and the Prince: His now Majesty, being put in hopes, and by the said long Delay used, without producing any effect; their Majesty's being put into Jealousies and just Suspicion, that there was no such Sincerity used towards them as they expected, and with so many Answers from the Earl had on their part been undertaken, the said Prince, our now gracious Sovereign, was enforced, out of his Love to his Country, to his Allies, Friends and Confederates, and to the Peace of Christendom, who all suffered by those intolerable Delays, in his own Person to undertake his long and dangerous Journey into *Spain*, that thereby he might either speedily conclude those Treaties, or perfectly discover,

ver; that on the Emperor's and the King of Spain's Part there was no true and real Intention to bring the same to Conclusion; upon any fit and reasonable Terms and Conditions; and did absolutely and specially break them off: By which Journey, the Person of the said Prince, being then Heir Apparent to the Crown of this Realm, and in his Person the Peace and Safety of this Kingdom did undergo such apparent, and such inevitable Danger, as at the very Remembrance thereof, the Hearts of all good Subjects do even tremble.

II. *Offences done and committed by the said Earl, during the Time of the Prince's being in Spain.*

VII.

THAT at the Prince's coming into Spain, during the Time aforesaid, the Earl of Bristol, cunningly, falsely and traiterously moved and persuaded the Prince, being then in the Power of a foreign King of the *Romish* Religion, to change his Religion, which was done in this manner. At the Prince's first coming to the said Earl, he asked the Prince, for what he came thither? The Prince at first not conceiving the Earl's Meaning, answered, You know as well as I. The Earl replied, Sir, Servants can never serve their Masters industriously, although they may do it faithfully, unless they know their Meanings fully. Give me leave therefore to tell you what they say in the Town is the Cause of your coming, That you mean to change your Religion, and to declare it here. And yet cunningly to disguise it, the Earl added further: Sir, I do not speak this, that I will persuade you to do it, nor that I will promise you to follow your Example, though you will do it; but as your faithful Servant, if you will trust

trust me with so great a Secret, I will endeavour to carry it the discreetest way I can. The Prince being moved at this unexpected Motion again, said unto him; I wonder what you have ever found in me, that you should conceive I would be so base and unworthy, as for a Wife to change my Religion. The said Earl replying, he desired the Prince to pardon him; if he had offended him, it was but out of his Desire to serve him. Which Persuasions of the said Earl was the more dangerous, because the more subtle; whereas it had been the Duty of a faithful Servant, to God and his Master, if he had found the Prince staggering in his Religion, to have prevented so great an Error, and to have perswaded against it, so to have avoided the dangerous Consequence thereof to the true Religion, and to the State, if such a thing should have happened.

VIII.

That afterwards, during the Prince's being in Spain, the said Earl having Conference with the said Prince about the *Romish* Religion, he endeavoured falsely and traiterously to persuade the Prince to change his Religion, and to become a *Roman Catholic*; and to become obedient to the usurped Authority of the Pope of *Rome*: And to that end and purpose, the said Earl traiterously used these Words unto the said Prince, That the State of *England* never did any great Thing, but when they were under the Obedience of the Pope of *Rome*, and that it was impossible they could do any thing of note otherwise.

IX.

That during the Time of the Prince's being in Spain, the Prince consulting and advising with the said Earl, and others, about a new Offer made by the King of Spain, touching the *Palatinate's* eldest Son

Son to marry with the Emperour's Daughter, but then he must be bred up in the Emperour's Court; the said Earl delivered his Opinion, That the Proposition was reasonable; whereat when Sir Walter Aston then present, falling into some Passion, said, That he durst not for his Head consent to it, the Earl of Bristol replied, That he saw no such great Inconvenience in it; for that he might be bred up in the Emperour's Court, in our Religion. But when the extreme Danger, and in a manner, the Impossibility thereof was pressed unto the said Earl, he said again, That without some great Action, the Peace of *Christendom* would never be had; which was so dangerous and so desperate a Counsel, that one near the Crown of *England* should be poisoned in his Religion, and become an unfriend to our State, that the Consequences thereof, both for the present and future Times, were infinitely dangerous; and yet hereunto did his Disaffection to our Religion, the Blindness in his Judgment, misled by his sinister Respects, and the too much Regard he had to the House of *Austria*, lead him.

III. Offences done and committed by the said Earl after the Prince's coming from Spain.

THAT when the Prince had clearly found himself and his Father deluded in these Treaties, and hereupon resolved to return from the Court of *Spain*; yet because it behoved him to part fairly, he left the Powers of the *Desponsories* with the Earl of *Bristol*, to be delivered upon the Return of the Dispenlation from *Rome*; which the King of *Spain* insisted upon; and without which, as he pretended, he would not conclude the Marriage. The Prince foreseeing and fearing, lest after the *Desponsories*, the *Infanta*

santa that should then be his Wife might be put into a Monastery, wrote a Letter back to the said Earl from *Segovia*, thereby commanding him not to make use of the said Powers, until he could give him Assurance, that a Monastery should not rob him of his Wife; which Letter the said Earl received, and with speed returned an Answer thereto in *England*, persuading against this Direction, yet promising Obedience thereunto. Shortly after which, the Prince sent another Letter to the said Earl into *Spain*, discharging him of his Father's Command. But his late Majesty, by the same Messenger, sent him a more express Direction, not to dispatch the *Desponsories*, untill a full Conclusion were had of the other Treaty of the *Palatinate* with this of the Marriage; for his Majesty said, That he would not have one Daughter to laugh, and leave the other Daughter weeping. In which dispatch, although there were some mistaking, yet in the next following, the same was corrected, and the Earl of *Bristol* tied to the same Restriction, which himself confessed in one of his Dispatches afterwards, and promised to obey punctually the King's Command therein; yet nevertheless, contrary to his Duty and Allegiance, in another Letter sent immediately after, he declared, That he had set a Day for the *Desponsories*, without any Assurance, or so much as treating of those Things which were commanded to him as Restrictions; and that so short a Day, that if extraordinary Diligence, with good Success in the Journey, had not concurred, the Prince's Hands might have been bound up; and yet he neither gave of a Wife, nor any Assurance given of the Temporal Articles. All which, in his high Presumption, he adventured to do, being an express Breach of his Instructions; and if the same had not been prevented by his late Majesty's Vigilancy, it might have turned to the infinite Dishonour and Prejudice of his Majesty.

XI.

Lastly, That he hath offended in a high and contemptuous Manner, in preferring a scandalous Petition to this Honourable House, to the Dishonour of his Majesty of blessed Memory deceased, and of his Sacred Majesty that now is, which are no way sufferable in a Subject towards his Sovereign; and in one Article of that Petition especially, wherein he gives his now Majesty the Lye, in denying and offering to falsify that Relation which his Majesty affirmed, and thereunto added many Things of his own Remembrance to both Houses of Parliament.

ROBERT HEATH *Attorney-General.*

The Earl of *Bristol*, upon the Attorney-General's accusing him of High-Treason, thus express himself :

That he had exhibited his Petition to the House, April 19, that he might come up and be heard in his Accusation of the Duke of *Buckingham*; and that thereupon he being a Peer of this Realm, is now charged with Treason : That he had heretofore informed the late King of the Duke's unfaithful Service, and thereupon the Duke laboured that he might be clapt up in the Tower presently upon his Return out of *Spain* : That he importuned the late King, that he might be heard before himself, and his Majesty promised it : I pray God : (said he) that that Promise did him no hurt, for he died shortly after : And for the King's Promise, he vouched the Lord Chamberlain for a Witness ; and he desired the Lords to take notice, that their House was possessed already of his said Petition, and of his Accusation of the said Duke : And therefore desired first, that they would receive his Charge against the Duke and the Lord *Conway*,

way, and not to invalid his Testimony against him by the King's Charge, against him; and that he might not be impeached, till his Charge of so high a Nature be first heard.

So he tendered to the House the Articles against the Duke, which the Clerk received, and he withdrew, and his Petition exhibited the 19th of April was read, and the Lords resolved upon the Question, That the said Earl's Charge against the Duke of Buckingham and the Lord Conway should be presently read.

The Earl being shortly after called in again to the Bar of the Lord's House, concerning his Articles against the Duke, made this Speech :

First, he craved pardon of their Lordships for his earnest Speeches the other Day, confessing them to have been in Passion, saying, That unexpected Accusation of Treason would warm any honest Heart, but would hereafter amend it. Then he rendered their Lordships humble Thanks for their manner of Proceeding against him; and desired to know from Mr. Attorney, whether that was his whole Charge or not. Mr. Attorney answered, That he had Commandment to open no more against him; peradventure upon the opening of the Charge, some Particulars might arise, and be urged, but no new Matter should.

Then the Earl desired to know of Mr. Attorney, who was the Relator to his Charge, and that he might understand who was his Accuser. Mr. Attorney answered, That the King himself, out of his own Mouth, had given him Directions for his own Relation against him, and corrected many things that were added. Unto which the Earl answered, That he would not contest with the King, neither did it beseeem him so to do; neither esteemed he his Life or his Fortunes so much, as to save them by contesting with his Sovereign; and

I therefore would make no Reply or Answer, re it not that his Religion and Honour were questioned with his Life; but this being to his Posterity, for their Sakes he was an humble Suitor unto his Majesty, that he would not take Indignation at his own just Defence, yet would he be ready to make any humble Submission to his Majesty; and heartily desired some Means might be made, that he might make it personally to himself, wherein he would submit himself most willingly to some such Act of Humiliation and Submission, (not wronging his Innocency) that never Subject did towards his Sovereign: And also that his Majesty would be pleased to set himself in his Throne of Justice, and declare out of his Royal Justice, that he would have the Duke and him upon equal Terms, and that neither of their Causes should be advanced before others.

These were his humble Petitions, which he besought their Lordships to present unto his Majesty, and to take it into their Considerations, of how dangerous a Consequence it would be, if the King should be Accuser, Judge, Witness, and should have the Confiscation. As touching the Charge against him, he said, He had once answered it all, except that of his Petition: and he doubted not but to clear himself before their Lordships of every particular of it. He said, He expected not to have heard of this again, having once answered it: He rather expected to have been charged with some Practice with *Spain* against the State; or the Receipt of Ten or Twenty Thousand Pounds, for the persuading and procuring of the Delivery up of some Towns, of which the Crown was in Possession, as might be the Town of *Flushing* the *Brill*, or the like, or for being the Means of lending the King's Ships to a foreign Nation, and that against those of ~~his own~~ Religion; or for revealing his Majesty's highest

Secrets,

Secrets, which none above Two or Three dare know; or for treating the greatest Affairs, (a) as it were by his own Authority, without formal Instructions in the Points; for having taken Rewards; or been corrupted by a foreign Prince; or to have broken his Instructions in any Ecclesiastical Point; or, as the Law calleth it, to have committed an Overt-Act of Disloyalty, and not to be charged after seven Ambassages with Discourses and Inferences.

Then he desired their Lordships, that he might have a Copy of his Charge in writing, and then allowed him for his Answer, and Council assigned him to plead his Cause; and said, There was a great Difference between the Duke of *Buckingham* and him; for the Duke was accused of Treason, and yet at large, and in the King's Favour; and he being accused but of that which he had long since answered, was a Prisoner: And therefore he moved, that they might be put in equal Condition.

And as touching the Lord *Conway*, inasmuch as he had given in Articles against him, he desired his Lordship he might not meddle in that particular Business, or use the King's Name against him, *ex officio*; he also besought their Lordships to be Sutors to his Majesty on his behalf, that all the particular Dispatches of his own Ambassages, and *Sir Walter Aston's* might be brought thither, and that he might make use of them for his Defence, and his Evidence: Then he desired their Lordships, not to think it tedious for him to proceed, and lay open his Case unto them: Which being granted he began as followeth.

He said, That he had the Honour to serve the late King his Master, of happy Memory, for the

(a) Of all these Things was the Duke of *Buckingham* accused by the Publick.

vs. Speech of Liberty Years, and a long time as Coun-
 sellors, and in seven foreign Ambassages. In all
 which time, and in point of his Negotiation, he had
 never received one Check or Rebuke, until the
 Return of the Duke of Buckingham out of Spain;
 and therefore from thence he would begin his pre-
 sent Narrative. He has yet said to me that
 The very Day that his Majesty departed from
 Spain, he was pleased to tell him That he no
 ways offended him; but did him the Honour to
 send him with the Custody of the Powers for his
 Marriage; And after his Return into England,
 wrote unto him some Letters, which did in no
 kind express any Distrust or Displeasure against
 him. About the same time he wrote unto his Ma-
 jesty several Letters, as in Duty he was bound,
 and for any earthly Respect whatsoever, to con-
 sider from him the true Estate of his Affairs, in
 which Letter he set down truly and honestly, That
 he conceived that the Distastes grown there be-
 twixt the King of Spain and his Ministers, and the
 Duke of Buckingham, would disorder and utterly
 overthrow all his Affairs, if his Wisdom per-
 ceived it not, *the last time*. The Duke of Buck-
 ingham got a Sight and Knowledge of the Letters;
 and fearing, lest the Earl, at his Return, should
 discover unto his said late Majesty his Practices
 and Misdemeanours in Spain, he resolved, That
 his Access to the King was no ways to be admit-
 ted; and therefore laboured and endeavoured that
 she might be committed to the Tower presently up-
 on his Arrival; and conceiving that the Lord
 Marquis Hamilton, in regard of his Friendship
 with the Earl, and the Alliance which was then
 intended between them might oppose his Course,
 he earnestly pressed him therein, and moved him
 to deal with my Lord Chamberlain to the same
 purpose, saying, That there was no hurt in-
 tended to the Earl, but only that he feared, that
 if he should be admitted to the King, he would
 cross

cross and with the Council of Affairs; but they
 were so honorable, that neither of them would
 condescend thereto; and so that Intimation of his
 shrouk no more.

This Design of the Duke God taking, he fell
 upon other Things; indeed to have frightened the
 Earl out of his Country and Honour; and there-
 upon laid some great and sinister Aspersions upon
 him in both Houses of Parliament, thinking there-
 by to have terrified him; that he should now re-
 act, saying, That if he kept not himself where he
 was, and laid hold of those great Offers which he
 on heard were made unto him in Spain; it would be
 worse with him.

Here the Earl desired my Lord Chamberlain that he
 would be pleased upon his Honour, to deliver what he
 knew of the Matter. Whereupon the Lord Chamber-
 lain stated the Truth of what the Earl had said con-
 cerning the Duke of Buckingham, the Marquis of Ha-
 milton, and himself.

Then the Earl of Bristol proceeded and said,
 That the Knowledge of these Aspersions cast upon
 him in the Parliament, came first unto him at
 Bourdeaux in France, where he was coming home at
 leisure, in the Company of his Wife and Family;
 having formerly sent a Post of purpose to the Lord
 Conway, to know if his speedy return would be
 any way useful to his Majesty's Service: Who an-
 swered him, That he might very well return at
 leisure with his Family. And in the meantime he
 was fallen upon by the Duke of Buckingham in Par-
 lament, in such sort as your Lordships well remem-
 ber; of whose Declaration, he said, he would
 boldly affirm unto their Lordships, that there was
 scarce any one Thing concerning him in it, which
 was not contrary to, or different from the Truth.

From *Bordeaux* the Earl took Post, making haste, for that he hoped to clear his Honour in Parliament before it should break up; and being arrived at *Calais*, he sent over to have one of the King's Ships, for which there was publick Order given: But although both Wind and Weather were as fair as could be, and the King's Ships lay at *Bologne*, having carried over Count *Mansfield*, and might every Day, within three Hours, have been with him, yet the Ship came not in eight Days Expectance; so that the Earl, fearing the Parliament would be dissolved, was enforced to pass the Sea in a Boat with six Oars, as he did, having with him Thirty or Forty Thousand Pounds worth of the King's Jewels.

Upon his landing at *Dover*, hoping that if his Arrest should have been deferred till his coming to *London*, he might have gotten directly to the King's Presence, which the Duke resolved was by no means to be admitted: The Earl was there, by a Letter of the Lord *Conway's*, delivered unto him by a Servant of his, in his Majesty's Name, commanded to retire himself to his House, and not to come to the Court, or the King's Presence, until he should have answered to certain Questions, which his Majesty would appoint some of the Lords of the Council to ask him. Hereupon he sent presently to his Majesty, who sent him Word, That his Restraint was neither for any ill meaning unto him, nor that it should last long, but was intended for his good, to keep the Parliament from falling violently upon him. And the same Reason the Duke alledged to some of his Friends; and all those his Troubles, which have followed upon his first Restraint, have been procured by the Duke's Art, under Colour of Favour. But the Earl having received his Message from the King, became a most humble Suitor unto his Majesty, that he would expose him to the Parliament; for that if he had not served him honestly in all Things,

Things; he deserved no Favour, but to be proceeded against with all Severity. And in this particular he pressed the King, as far as could stand with Duty and good Manners; but received Answer from his Majesty, That there should but few more Days pass, before he would put an end to his Affairs. And about this Time the Parliament was dissolved.

He still continued his Solicitation to be admitted to the King's Presence, who sent him Word, and confirmed it by Oath, That as soon as he should have answered the Questions which the Commissioners were to propound to him, he would both see him and hear him, and wondered that he should so much doubt thereof. He then solicited with all Earnestness to have the Questions sent unto him, which was promised should be within a few Days. In the Interim, his Majesty being desirous that the Business should have been accommodated, sent secretly to him by a Gentleman (who is ready to depose it,) this Message; *That he should write a fair Letter to the Duke, and leave the rest to him.* Hereupon the Duke sent a Gentleman (one Mr. Clark) with fair Propositions, offering to procure whatsoever he could reasonably pretend; only he must not be admitted to the King's Presence for some time; and that the Duke would have the disposing of his Vice-Chamberlain's Place, having been therein formerly engaged. The Earl told the Gentleman; That to condescend to any such Course, were jointly to confess himself faulty in some kind, which he would not do for any respect in the World; and let him know the great Wrong that the Duke had already done him; and therefore it would be more honourable for him to procure some Reparation, than to press him further. Moreover, not by way of Message, but by way of Information of the said Mr. Clark, he let him know, how fit it were for the Duke not to press these Things, who could not but be conscious

Interrogatories of so high a Nature, the
 could take some Time, they caused the said
 atories to be delivered unto him within a
 ys before the Beginning of the Progress;
 sed so much Diligence, that he made ready
 er in *Persona*, though it were in the Nature
 elinquent. Unto which his Majesty answered
 raciously, That out of his Favour, and for
 e would not do him wrong, he would not
 of it, but that he should send his Answer;
 e would instantly put an end to his Business;
 il appear by Letters. Hereupon the Duke
 put into a great strait how to keep him any
 er from his Majesty, but desired that only a
 Questions more might be asked of him, which
 King upon great urging and instance, condes-
 ed unto, so that the Questions might be pre-
 ly sent him: But herein were such Artifices
 d, that the bringing of any was delayed until
 King had begun his Progress; and then within
 Day or two, the Lord Conway sent him word,
 hat he had Order indeed for the sending of him
 me more Questions, but out of his Affection to
 im he forbore the sending of them, unless he
 ould press for them. Whereupon the Earl in-
 antly wrote unto him, that they might be sent
 unto him. My Lord Conway made him answer by
 his Letter, That he wished rather the Course of
 Mediation might be pursued, for that would but
 further exasperate; but if he would needs have the
 Questions, they should be sent to him. Where-
 upon he sent to sollicite his Lordship for them with
 all Earnestness, insomuch as to petition his late
 Majesty twice, that the said Questions might be
 sent: But when the Turn was served of keeping
 him from the King's Presence, the said Questions
 were never more heard of till this Day.

So likewise the Earl having sent his Answer to
 all the Commissioners, who most of them made
 not nice to declare, that they were fully satisfied;

of his own Fault, and knew his Innocency; and
and withal shewed him a Paper that he had made
ready for the King, containing the Particulars
wherein the Duke had disparaged him.

Mr. Clark making the Duke acquainted here-
with, the Duke wrote a Letter the next Day to
the Earl, bearing date 7 July, telling him, That
he had willingly intended the Accommodation of
his Affairs; but by what he had now said to Mr.
Clark, he was disoblighd, unless he should be pleased
to relent it. Whereupon the Earl answered with
that Directness, he thought befitting him in Point
of Honour. The Course of Mediation was inter-
rupted; and the Duke so far incensed, that he swore
he would have him questioned for his Life. In the
Interim, (which the Earl desired might be known
to the Lords) his late Majesty was so far from
rethinking him a Delinquent, or any way dishonest,
that he was often heard to say and swear, That he
held him an honest Man, and that he would answer
for him, that he had neither committed Felony
nor Treason. And this divers are ready to de-
pose. The which he well confirmed, for that he
gave general Leave to all Gentlemen of the Court,
Privy Counsellors, and to his Secretary of State,
to have free Access unto him; yea, even so far as
to admit of Visits and Entercourses with Spanish
Ambassadors, and the *Paedre Maestre*, as is best
known to my Lord Conway, by whose Letter he
received his Majesty's Leave in that particular.

Then he resumed the State of his Business where
he left it, which was in the Hands of the Com-
missioners, and they were to frame Interrogatories
for him; the which, although they had promised
should be sent him within a few Days, yet such
Art was used, that six or seven Weeks were spent
in the framing of them, to the end that his Ma-
jesty's Progress beginning, there might be no
means for the further clearing of the Business:
And so supposing, that for the answering of the
Twenty

Twenty Interrogatories of so high a Nature, the Earl would take some Time, they caused the said Interrogatories to be delivered unto him within a few Days before the Beginning of the Progress; but he used so much Diligence, that he made ready to answer *in Persona*, though it were in the Nature of a Delinquent. Unto which his Majesty answered most graciously, That out of his Favour, and for that he would not do him wrong, he would not admit of it, but that he should send his Answer; and he would instantly put an end to his Business, as will appear by Letters. Hereupon the Duke was put into a great strait how to keep him any longer from his Majesty, but desired that only a few Questions more might be asked of him; which the King upon great urging and instance, condescended unto, so that the Questions might be presently sent him: But herein were such Artifices used, that the bringing of any was delayed until the King had begun his Progress; and then within a Day or two, the Lord Conway sent him word, That he had Order indeed for the sending of him some more Questions, but out of his Affection to him he forbore the sending of them, unless he should press for them. Whereupon the Earl instantly wrote unto him, that they might be sent unto him, My Lord Conway made him answer by his Letter, That he wished rather the Course of Mediation might be pursued, for that would but further exasperate; but if he would needs have the Questions, they should be sent to him. Whereupon he sent to sollicite his Lordship for them with all Earnestness, insomuch as to petition his late Majesty twice, that the said Questions might be sent. But when the Turn was served of keeping him from the King's Presence, the said Questions were never more heard of till this Day.

So likewise the Earl having sent his Answer to all the Commissioners, who most of them made not nice to declare, that they were fully satisfied;

And when it was perceived that the Commissioners
 could certainly clear him, and that he thereby
 should be restored in his Majesty's Favour, they
 were never more permitted to meet. All Proceed-
 ing, which as he conceived, their Highships would
 think hardly to be paralleled, that the Commission
 should be appointed and condemn, if there had been
 Cause; but not to clear him.

After the Progress was ended, he began again
 to sollicite his Majesty, and wrote particularly
 unto the Duke of Buckingham. Whereupon the
 Duke was pleased to send four or five Proposi-
 tions, which he desired he should acknowledge;
 which Propositions contained nothing but what
 had been already propounded and satisfied in the
 former Interrogatories. And if he would make
 his acknowledgment, he then promised to employ
 his Force and Power with the King and Prince,
 that he should be admitted to kiss their Hands,
 and be received into their gracious Favour; but
 otherwise, in a menacing Sort, That he should
 lay his Hands upon his Breast, and so that would
 be best for him. And in the Preface of the said
 Proposition, he writeth these Words, which follow;
It is an Assertion not granted, that the Earl of Bristol,
by his Answer, had satisfied either the King, the Prince,
or me of his Innocency. A presumptuous Communi-
 cation for any Subject.

But these Propositions were so unjust, that he
 wrote unto the Duke, that instead of an acknow-
 ledgment, he had sent him an Answer unto them;
 unto which, if either himself, or any Man living
 was able to reply, he would submit himself to any
 thing that should be demanded. But this no way
 satisfied the Duke, although it did his Majesty,
 who, in the Duke's Presence said; *I were to be ac-*
counted a Tyrant, to enjoin an innocent Man to con-
fess Faults, of which he was not guilty. And there-
 upon sent him Word, that he should make his An-
 swer, but acknowledge nothing; he was not faulty
 in.

And although he had received his Message
from the King's own Mouth, as will be supposed,
yet the Duke sought some other subtle way,
that the Conclusion of all that has been treated
with his Majesty was, That he should make an
Absolute Judgment in such matters, as was set down
in his Paper. And so this Time he withdrew:
that his Majesty sent him Word, That he should
hear him concerning the Duke of Buckingham, as
well as he had heard the Duke concerning him.
And this was not long before his Majesty's Sick-
ness. And in the interim, as he had heard of se-
veral ways the King suffered much, and was infi-
nitely pressed by the Duke concerning the said
Earl and his Affairs; and this he said, was the suf-
fering he had spoken of to their Lordships the o-
ther Day.

The Earl craved leave of their Lordships to
specify some other particulars, whereby it should
appear, that his Majesty was in no kind ill-opi-
nion of him till his dying Day, viz. That several
Persons will depose, that they have heard his Ma-
jesty say, That he esteemed him an honest Man;
and that he was pleased to accept of Toys by way
of Present from him, graciously, and in good
part; and at last was likewise pleased to give him
leave to come to London, and to follow his own
Affairs; and that his Pleasure was signified unto
him by the Duke his own Letter. Whereupon he
determined to come to London, intimating to the
Duke his intention of going to his Lodgings at
Whitehall; but the Duke was therewith incensed a-
gain, and said, He mistook the King's meaning,
which was, that he might privately follow his own
Business. And this he said, was the true State and
Condition, when it pleased God to take unto his
Mercy his late most gracious Majesty.
Upon his Majesty's coming to the Crown, he
said, He wrote a most humble Letter unto his Ma-
jesty, imploring his Grace and Goodness, and de-
siring

Bring the Duke's Mediation. But he was pleas-
 ed to answer by his Letter of 7th May 1645
 That the Resolution was to proceed against him
 without a plain and direct Confession of the Points
 which he had formerly required him to acknow-
 ledge: and in a Courtly manner of manage-
 ment him; That he should take the Freedom to ad-
 vise him, to bechink himself by what he would
 be most for his good: But in the interim, his Ma-
 jesty was graciously pleased that his Writ of Par-
 tiament should be sent him: and thereupon he
 wrote unto the Duke of the receipt of the said
 Writ; but that he should do nothing but what he
 should understand to be most agreeable to his Ma-
 jesty's Pleasure: Whereunto the Duke answered
 in his Letter of May, in this manner, *I have ac-*
quainted his Majesty with your Request towards him,
touching our Summons to the Parliament, which he
takes very well; and would have you rather make
excuse for your Absence; notwithstanding your Writ,
than to come yourself in Person. Whereupon he sent
 humbly to desire a Letter of leave under his Ma-
 jesty's Hand for his Warrant; but instead thereof
 he received from the Lord Conway an absolute Pro-
 hibition, and to restrain and confine him in such
 sort, as he hath been in the late King's time: And
 although he was indeed absolutely set free, he
 could never get cleared by the Lord Conway,
 though he sent him all the Papers to examine;
 and when he could make no farther Reply, he said,
 He conceived he was under Restraint, and that his
 Liberty expired with the late King's Death; when
 indeed Restraint may expire, but Liberty is natu-
 ral. After this he continued for the space of three
 quarters of a Year in the Country without mov-
 ing; in which time he was removed from those
 Places and Offices he held during his late Maje-
 sty's Life; and the greatest Part of his Estate be-
 ing lost out in their Majesties Service, by their
 particular Appointment, he could never be admit-
 ted

need so much as to the clearing off Accounts; Yet
 hereof he never made the least Complaint; But a-
 gainst the Time of his Majesty's Coronation, he
 thought it fit to lay hold of that Occasion, when
 Princes do Acts of Grace and Favour, to be a
 short humble Suitor to his Majesty for his Grace
 and Goodness; and addressed his Letter unto the
 Duke of Buckingham, from whom he received a
 Letter all written in his own Hand, and therein a
 Letter inclosed from his Majesty, so different
 from some gracious Message which he had received
 from his Majesty since the said Earl returned into
 England, upon the Occasion of a great Sickness;
 and likewise from his Speeches several times deli-
 vered to his Wife, to wit, That he had never in-
 fended him, and that for his Faults he no ways
 held them criminal, but to be expiated by any
 easy acknowledgment; That he confessed he knew
 not what Judgment to make of the said Letter;
 neither hath presumed hitherto to make any An-
 swer thereto; although by reducing the Occasion
 of Speeches and Circumstances to his Majesty's
 Memory, he no ways doubteth but he shall be
 able to give unto his Majesty such Satisfaction to
 every particular; that his Majesty would not remain
 with the least Scruple in any one Point.
 After this he said, That his Writ of Parliament
 was detained; whereupon he addressed himself to
 the Lord Keeper, that he would be a Suitor to
 his Majesty for him in that behalf; which Dili-
 gences not taking effect, by Petition he became a
 Suitor to their Lordships for their honourable
 Mediation to his Majesty, and thereupon his
 Writ of Parliament was awarded: But the Duke
 of Buckingham upon that took occasion, as he had
 published Copies of the said Letter over all the
 Kingdom, to read it likewise unto that honourable
 House, as was best known unto their Lordships,
 and the Writ was accompanied with a Prohibition
 from the Lord Keeper; whereupon he addressed
 himself

• himself for Justice to that honourable House,
 • (being possessed of his Cause) by his Petition, for
 • both Redress of his own Wrongs, and likewise of
 • Complaints against the Duke for many Crimes :
 • And that honourable House being possessed of his
 • Cause by his Petition, there is preferred against
 • him a succeeding Complaint, amounting as high
 • as Treason, (as it is pretended) although he for
 • divers Years hath not been questioned ; yet since
 • his Complaint against the Duke he hath been
 • fetcht up like a Prisoner, and brought into the
 • House as a Delinquent ; and the Duke, of whom
 • he hath complained for his great Crimes, is admit-
 • ted still to sit in the House as one of his Judges.
 • The which, with all that he hath formerly said,
 • together with his Life, Fortunes and Honour, he
 • did with all Willingness, Humility and Duty, sub-
 • mit to the Justice and Honour of that House.

• Then the Lords asked him, when he would
 • bring in his Answer ? He promised to answer as
 • soon as might be, but knew not how far he should
 • have occasion to use his antient Dispatches. The
 • Lord-Keeper told him, That Mr. Attorney might
 • help him by letting him know it. The Attorney
 • said, That his Charge should in nothing look fur-
 • ther back than to the Year 1621, which he desired
 • might be recorded.

• Whereupon the Earl thanking their Lordships
 • for their Patience, he was carried away by Mr.
 • Maxwell the Gentleman-Usher, in whose House
 • and Custody he remained.

• Then were read the Earl's Articles against the
 • Duke and the Lord Conway, viz.

ARTICLES

ARTICLES of the Earl of Bristol, whereby he abargeth the Duke of Buckingham, bearing Date the First Day of May, 1626.

ITHAT the Duke of Buckingham did secretly combine with the Conde of Gondomar, Ambassador for the King of Spain, before his the said Ambassador's last return into Spain, in the Summer, Anno 1622, to carry his Majesty (then Prince) into Spain, to the end he might be informed and instructed in the Roman Religion; and thereby have perverted the Prince, and subverted the true Religion established in England: From which Misery this Kingdom (next under God's Mercy) hath by the wise, religious, and constant Carriage of his Majesty been almost miraculously delivered, considering the many bold and subtle Attempts of the said Duke in that kind.

II.

That Mr. Porter was made acquainted therewith, and sent into Spain; and such Messages at his Return framed, as might serve for a Ground to set on Foot this Conspiracy: The which was done accordingly, and thereby the King and Prince highly abused, and their Consents thereby first gotten to the said Journey, that is to say, after the Return of the said Mr. Porter, which was about the End of December, or the Beginning of January 1622, whereas the said Duke had plotted it many Months before.

III. That

III.

That the said Duke, at his Arrival in Spain, nourished the Spanish Ministers, not only in the Belief of his own being popishly affected, but did, (both by absenting himself from all Exercises of Religion, constantly used in the Earl of Bristol's House, and frequented by all other Protestant English, and by conforming himself to please the Spaniards in divers Rites of their Religion, even so far as to kneel and adore their Sacrament) from time to time give the Spaniards hope of the Prince his Conversion : The which Conversion he endeavoured to procure by all Means possible ; and thereby caused the Spanish Ministers to propound far worse Conditions for Religion, than had been formerly by the Earl of Bristol and Sir Walter Aston, settled and signed under their Majesty's Hands, with a Clause in the King of Spain's Answer of December 12. 1622, that they held the Articles agreed upon sufficient, and such as ought to induce the Pope to the granting of the Dispensation.

IV.

That the Duke of Buckingham having several times, in the Presence of the Earl of Bristol, moved and pressed his late Majesty ; at the Instance of the Count of Gondomar, to write a Letter unto the Pope, and to that purpose having once brought a Letter ready drawn, wherewith the Earl of Bristol by his Majesty being made acquainted, did so strongly oppose the Writing of any such Letter, that during the Abode of the said Earl of Bristol in England, the said Duke could not obtain it ; yet not long after the Earl was gone, he procured such a Letter to be written from his said late Majesty unto the Pope, and to have him styled [*Sanctissime Pater*].

V. That

VI.

That, the Pope being informed of the Duke of Buckingham's Inclination, and Intention in point of Religion, sent unto the said Duke a particular Bill in Parchment, for to persuade and encourage him in the Perversion of his Majesty then Prince.

That the said Duke's Behaviour in Spain was such, that he thereby so incensed the King of Spain and his Ministers, as they would admit of no Reconciliation, nor further dealing with him. Whereupon the said Duke, seeing that the Match would be now to his Disadvantage, he endeavoured to break it, not for any Service to the Kingdom, nor Dislike of the Match in itself, nor far that he found (as since he has pretended) that the Spaniards did not really intend the said Match, but out of his particular Ends and his Indignation.

VII.

That after he intended to cross the Marriage, he put in practise divers undue Courses; as namely, making use of the Letters of his Majesty (then Prince) to his own Ends, and not to what they were intended; as likewise concealing divers Things of high Importance from his late Majesty, and thereby overthrow his Majesty's Purposes, and advanced his own Ends.

VIII.

That the said Duke, as he had with his Skill and Artifices formerly abused their Majesties, so to the same End he afterwards abused both Houses of Parliament by his sinister Relation of the Carriage of Affairs,

Affairs, as shall be made appear almost in every particular that he spake unto the said Houses.

IX.

As for Scandal given by his personal Behaviour, as also the employing of his Power with the King of *Spain* for the procuring of Favours and Offices which he bestowed upon base and unworthy Persons for the Recompence and Heir of his Lust : These Things, as neither fit for the Earl of *Bristol* to speak, nor indeed for the House to hear, he leaveth to your Lordships Wisdom how far you will be pleased to have them examined ; it having been indeed a great Infamy and Dishonour to this Nation, that a Person of the Duke's great Quality and Employments, a Privy-Counsellor, an Ambassador, eminent in his Master's Favour, and solely trusted with the Person of the Prince, should leave behind him in a foreign Court so much Scandal, as he did by his Ill-behaviour.

X.

That the Duke hath been in great part the Cause of the Ruin and Misfortune of the Prince *Palatine* and his Estates, inasmuch as those Affairs had relation unto this Kingdom.

XI.

That the Duke of *Buckingham* hath in his Relation to both Houses of Parliament, wronged the Earl of *Bristol* in point of his Honour, by many sinister Actions which he hath laid upon him, and in point of his Liberty by many undue Courses, through his Power and Practices.

XII. The

XII.

That the Earl of *Bristol* did reveal unto his late Majesty both by Word and Letter, in what sort the said Duke had diserved him and abused his Trust: And that the King by several ways sent him word, That he should rest assured he would hear the said Earl, but that he should leave it to him to take his own time. And thereupon, few Days before his Sickness, he sent the Earl word, that he would hear him against the said Duke, as well as he had heard the said Duke against him. Which the Duke himself heard; and not long after his Blessed Majesty sickned and died, having been in the Interim much vexed and pressed by the said Duke.

*ARTICLES of the Earl of Bristol
against the Lord Conway, bearing
date 1 Maij 1626.*

I.

THAT the Lord *Conway* is so great a Servant of the Duke of *Buckingham's*, that he hath not stuck to send the Earl of *Bristol* plain word, That if Busineses could not be accommodated between him and the Duke, he must then adhere and declare himself for the said Duke; and therefore unfit to be a Judge in any thing that concerneth the Duke or the Earl.

II.

That the said Lord *Conway* professeth himself to be a Secretary of the Duke of *Buckingham's* Creation, and so acknowledgeth it under his own Hand: And although that he be the King's Secretary of State,

that to doyn the said Earl of Arundel was Dav his barbe
Part; and therefore sent him presently for leave,
which the Secretary hearing of, sent afterwards a Let-
ter of Leave, but with divers Clauses and Limita-
tions, differing from the Leave sent him from the
King's own Mouth. **VI.** And so the Earl of Arundel
to answer the said Letter, and to shew the cause of his
absence, he sent the said Earl of Arundel a Letter, in
which he said, that he was not able to come to the
Court, because he was bound to the Earl of Arundel, and
that he was having the Business of the Earl of
Bristol in his own Hands, and the Earl being com-
manded by the King to address himself in his own
Occasions unto his Lordship, he would never deliver
any Message from the said Earl, without acquainting
the said Duke, and receiving his Directions, and in
such Manner of Execution, that he would not send him
word, until he had received his own Lordship's
order. **VII.** And so the Earl of Arundel
sent the said Earl of Arundel a Letter, in which he
said, that the Earl of Bristol, having received from the
Lord Conway Twenty Interrogatories in his late Ma-
jesty's Name, drawn up by a Commission of the
Lords appointed to search into the Proceedings and
Employments of the said Earl, in which search there
was more than two Months spent, divers of the said
Interrogatories involving Felony and Treason; and
his Majesty having been pleased to assure the said
Earl both by Message and Letters, that upon Satis-
faction given to himself and the Commissioners by
his Answers, he would presently put an end to the
Earl of Bristol's Business. The Earl of Bristol ha-
ving so fully answered as would admit of no Reply;
and that many of the Commissioners declared them-
selves to be fully satisfied. The said Lord Conway
(being the Secretary in the Commission, to whom
it properly belonged to call the Lords to assemble)
perceiving the Earl of Bristol was like to be cleared,
never moved for any further Meeting, neither have
they ever been permitted to meet until this Day.

whereby the Troubles of the Earl of *Bristol* have been kept on Foot till this present, and the said Earl's Imprisonment hath been enlarged Twenty Months. And by the Artifices of the said Duke of *Buckingham* and the said Lord *Conway*, (as shall be made appear) the said Earl hath been insensibly involved and stalked into the Troubles he is now in, which he doubteth not but your Lordships will judge to be a very considerable Case.

VIII.

That for a Colour of keeping the Earl from his late Majesty's Presence, it being pretended after the Answer to the Twenty Interrogatories, that there were some few Questions more to be added, whereunto when he should have answered, his Majesty swore solemnly, that without any delay he should be admitted to his Presence, and that within two or three Days he should have the said Questions sent unto him; the Lord *Conway*, notwithstanding he acknowledged under his Hand, that he had received his Majesty's Directions for the sending of the said Articles, and often thereunto solicited on the behalf of the said Earl, would never send the said Questions, and at last answered, That he had no more to do with the Earl's Business.

IX.

That the Earl of *Bristol* being set free by his late Majesty to come to *London* to follow his own Affairs as he pleased, and thereupon having his Writ of Parliament sent unto him, without any Letter of Prohibition; but the Earl of *Bristol*, out of his great Desire to conform all his Actions to that which he should understand would best please his Majesty, sent to know whether his going or stay would be most agreeable unto his Majesty? who was pleased to answer by a Letter from my Lord Duke of *Buckingham*, That

he

he took in very good part the said Earl's Respect unto him; but wished him to make some Excuse for the present. Which accordingly he did, and moved, That he might have a Letter under the King's Hand to warrant his Absence; but under Colour of this Letter of Leave, upon the Earl of *Bristol's* own Motion and Desire, the Lord *Conway* sent a Letter from his Majesty, absolutely forbidding his coming to Parliament, and therein likewise was inserted a Clause, That the Earl should remain restrained as he was in the time of his late Majesty; and so thereby a Colour of Restraint under his Majesty's Hand was gotten, which could never be procured in his late Majesty's Time; whereby the Earl of *Bristol* had been unduly restrained ever since, without being able to procure any redress, or to make the Lord *Conway* willing to understand his Case, although he sent him all the Papers, whereby he might clearly see that the Earl was not under Restraint in his late Majesty's Time; but never other Answer could be procured from him, but that he judged the said Earl to be under Restraint, and that his Liberty was expired by the late King's Death, as is aforesaid.

X.

That the Lord *Conway*, knowing that the Match for the marrying of the King of *Bohemia's* eldest Son with the Emperour's Daughter, and being bred in the Emperour's Court, was allowed and propounded by his late Majesty: And that his Majesty by his Letters unto his Son-in-law, declareth; That he thinketh it the surest and clearest Way for the Accommodation of his Affairs, and that he will take sufficient Care for his breeding in true Religion: And notwithstanding that the said Earl received a Copy of the said Letter by the said late King's Order, with other Papers, setting down all that had been done in the said Business, and his Majesty's Assent thereunto.

unto from the Lord *Conway* himself; yet hath he suffered all to be charged, as a Crime against the Earl of *Bristol*, both in the Twentieth Interrogatory, and in his Majesty's last Decree; that he should consent to the breeding of the young Prince in the Emperour's Court. And further in the Interrogatory he alledgeth, it is an Aggravation against the said Earl, That the breeding of the said Prince in the Emperour's Court, inferred to the Perversion of his Religion, when he knew that the said breeding was never thought nor spoken of by the King, nor any other, but with that express Clause and Condition, That he should be bred in his own Religion, and have such Tutors and Servants as his Father should appoint.

That the Lord *Conway* hath been the Cause of all the Earl of *Bristol*'s Troubles by his dubious and trapping Dispatches, and inferring, That the said Earl hath failed in his Directions, when it shall be made appear, That his Dispatches contained no such Directions as he hath alledged were given.

The House not being satisfied to commit the Earl to the Tower, let him remain where he was before, with the Gentleman-Usher; and further ordered, That the King's Charge against the Earl of *Bristol* be first heard, and then the Charge of the said Earl against the Duke; yet so that the Earl's Testimony against the Duke be not prevented, prejudiced, or impeached.

The Day following the Lord-Keeper delivered a Message from the King to the House of Lords,

A. M. E. S.

A MESSAGE from the King to the
House of Lords.

THAT His Majesty taken notice of the Articles exhibited against the Duke of Buckingham by the Earl of Bristol, and he observeth that many of them are such, as himself is able to say more of his own Knowledge than any Man for the Duke's sincere Carriage in them. That one of them, touching the Narrative made in Parliament in the one and twentieth of King James, crested as far upon himself as the Duke; for that his Majesty went as far as the Duke in that Declaration; and that all of them have been closed in the Earl's own Breast now for these two Years, contrary to his Duty, if he had known any Crime of that nature by the Duke; and now he vents it by way of Recrimination against the Duke, whom he knows to be a principal Witness to prove his Majesty's Charge.

And therefore, that his Majesty gave them Thanks, that they gave no way to the Earl of Bristol's unreasonable Motion, of putting the Duke under the same Restraint that they had put the Earl, thereby eschewing what the Earl aimeth at, to alter their dutiful Proceedings towards his Majesty: That thereby they had made his Majesty confident, that as they have, so they will put a Difference between his Majesty's Charge against one that appeareth as a Delinquent; and the Recrimination of the Earl of Bristol against his Majesty's Witness; and they will not equal them by a Proceeding *Pari Passu*.

In the mean time the King not being very sure of the Lords, endeavoured to take the Earl's Cause out

of the Upper House, and to proceed by way of Indictment in the King's Bench. But the Lords would not consent to it, 1661 which they alledged several Reasons, that were confirmed by the Judges, who declared, That a Peer of the Realm impeached for Treason was to be tried in Parliament.

The Upper House being willing to secure the Earl of Bristol from being overpowered by the Duke of Buckingham's exorbitant Authority, asked the Judges Opinion upon the two following Questions.

1. *Whether the King could be a Witness in Case of Treason?*

2. *Admitting that he could, yet whether he might be so in the present Case, i. e. when the King is the Informer?*

Before the Judges brought in their Answer, this Message and Command came from the King to them, that in this general Question they should not deliver any Opinion; but if any Point came in particular, they, upon mature Deliberation, might give their Advice.

About the Middle of May, the Earl of Bristol gave in his Answer to the Articles brought against him; upon the delivering of which, he made the following Speech.

The Earl of BRISTOL'S Speech, by way of Introduction, before he gave in his Answer.

I Am not insensible upon what Disadvantages I come to Tryal in this Cause. For first, I am fallen into his Majesty's heavy Displeasure, and am to encounter with a potent Adversary, highly in Favour, and am accused for Treason; for which all Counsel and Friends abandon me, as a Man infected

• fectcd with the Plague, Ham-machine bound and
• under Restraint, whereas a Man who is no en-
• counter for his Life and Honour, and with a
• strong Adversary, had need to come upon equal
• Terms.

• But as to the Matter, I find my self charged
• with divers Articles of High-Treason, but look-
• ing into them with the Eyes of my best Unders-
• standing, with the Opinion also of my Counsellors,
• ly assigned me, and taking them apart one Article
• from another, I find not any Thing in them like
• Treason, or that hath so much as the shew or conn-
• tenance of a Fault, either in Acts or Words; only
• by laying all Things together, and by wresting
• the Wrests with a strained Construction, directly
• contrary to the true sense and meaning of them,
• and the occasion whereupon they were spoken, it
• is informed, and that by way of inference only,
• That the intent was evil, and the Matter to prove
• the intent to be evil, depends upon two Props,
• viz. Ill-affection to Religion, and too much Af-
• fection to *Spain*; which if I shall clear, the Infe-
• rence grounded upon these Props, will fall of it
• self.

• Therefore I crave leave of your Lordships, be-
• fore I give my Answer to the Charge, that I may
• give you an account of these two Particulars; and
• I humbly beseech you, that what I shall speak in
• my just Defence, may not be conceived to proceed
• of vain Ostentation.

• And first for Religion: I was in my Childhood
• bred in the Protestant Religion, and rather after
• the stricter manner than otherwise. When I grew
• in Years fit, I travelled into *France*, *Italy*, and
• *Rome* itself: In all which Travels, I can produce
• some that I consorted withal, who will witness
• with me, that I ever constantly used the Religion
• I professed without the least Prevarication, no
• Man being able to charge me that so much as out
• of Curiosity I ever was present at any of the Ex-
• ercises

cerifics belonging to the *Roman* Religion, or did the least Act of Conformity to any their Rites or Ceremonies.

Secondly, after my return home, I was received into the Service of his late Majesty of blessed Memory, whom I served some Years as a Gentleman of his Privy Chamber, and Carver: In which time none of his Majesty's Servants received the Holy Sacrament, frequented Sermons, and other Exercises of our Religion more than I.

Thirdly, in that time of my Youth, not to avoid Idleness, but out of Affection to Religion, I translated that excellent Book of our Faith, and great Points of our Religion, written by Monsieur *Mour*; which his late Majesty having sometimes after seen, approved so well, that he would needs have it printed: which accordingly was printed in the Name of Mr. *Sampford* my Chaplain, to whom I gave the Honour: But it was my own Act, as Mr. *Sampford* will not deny, though to this Hour, I never had before spoken it.

Fourthly, about seven or eight and twenty Years of my Age, I was employed Ambassador into *Spain*, in that great Business of the Treaty of the Marriage; and whereas others before me carried but one Chaplain, I had two, viz. Mr. *Sampford*, and Mr. *Boswel*; and at my Arrival at the Court of *Spain*, I caused it to be published, that such a Day (God willing) I purposed to have a Communion, to the End that such *English* as were in the Town, might resort thither. Whereat the Duke of *Lerma*, and other the great Ministers of *Spain*, took Offence, and told me, they might well perceive I brought no good Affection to the Business I came about, that would so publickly and avowedly in that Court, where never the like was done, proclaim there a Communion; and with high Expressions perswaded me to decline it. Whereunto I answered, I came to do my Master's Service, which I would heartily and effectually endeavour, but

but would not omit my Service to God, no, though by my Master commanded: And at the Communion there were present one Hundred Persons, some of them Brothers, Kinsmen, and near Dependants upon some of their Lordships, whom I see there in my Eye. This I did in *Spain*; the like I did in *Germany*, in the Emperor's Courts, in my Ambassage thither.

Fifthly, I had in my several Employments into *Spain* and *Germany*, above five Hundred Persons of all Qualities attending upon me, and never one perverted in Religion; my Children carefully instructed and bred in the same Religion. I had constantly every Sabbath a Sermon in my House; and Sacraments, and other Exercises of our Religion frequented.

Sixthly, a foul-mouthed *Shimei* railed against our late King and Religion in *Spain*; how I caused that to be revenged by a near Kinsman of my own, is well known.

Seventhly, one of the *English* dying in the Town of *Madrid*, of whose Religion there was some Question made, and the King's Chaplains telling me, that they at the Day of his Death had been with him, and taken an account of his Faith, and that he died a Protestant: I caused him to be brought home to my House, and there buried according to our Rites; whereat much ado was made, and it was threatned, that the Inquisitors and other Officers, would come and fetch him out, and bury him after their manner: I stood upon it, and that it was the King of *England's* House, and openly protested, that whosoever should come thither with such intent, I would shoot at him with a Piece; and exhorted all my People, that if such an Attempt should be, they should, rather than suffer such a Dishonour to our Religion, dye with me in that Quarrel, and hoped such *English* as were in the Town would do the like.

‘ Eighthly, There having been a Monastery for *English* Jesuits founded and settled at *Madrid* before my coming thither, and the *English* Arms set up, I laboured to suppress it; and having written thereof to the late King, his Majesty advised me not to run my Head against the Rock, for it was an impossible Thing for me to do: Yet I undertook it, and it pleased God so to bless my Endeavours, that I absolutely dissolved and overthrew it. For which the Bishop of *Winchester*, *Montague*, (now with God) wrote unto me by his Majesty’s Direction, a Letter of his Majesty’s gracious Acceptance of so great a Service; telling me, besides the Service I had done to the Church and Commonwealth, it should remain a Trophy of Honour to me and my Posterity for ever: And the King himself, with his own Hand, wrote unto me, beginning his Letter, *Good Fortune Digby, your good Luck in your Service well deserves that Stile.*

‘ Ninthly, In all Negotiations in *Spain*, in point of Religion, I ever straitned my Instructions.

‘ Tenthly, The Match with *Spain* was not moved by me: I ever advised a Protestant Match, and shewed many Reasons both of Conscience and State; but if with a Catholick, then rather with *Spain* than *France*, so as good Conditions might be made for Religion, as appears by a Letter I wrote, and delivered to the Prince, at his first going upon the Employment: for which I had like then to have been ruined for being a *Puritan*, as I am now for being a *Papist*, and all by one and the same Hand.

‘ Eleventhly, And I appeal to the Testimony of *Dr. Mason* and *Dr. Wren*, the King’s Chaplains with me in *Spain*; and to *Mr. Sampford*, *Mr. Boswell*, and *Mr. Frewin*, my own Chaplains there. And that such *Papists* as have been my ancient Acquaintance, and Friends, being Men of Worth, well known to many of their Lordships, may be examined upon Oath, whether I have not in all places,

places, as well in *Spain* as in *England*, and at all Times upon fit Occasions, avowed my self a Protestant, without the least Prevarication? Or whether I did ever any the least act that was not suitable to the same Profession? And that Mr. *Prewin*, Mr. *Wake*, my own Chaplains, may give their Testimonies, whether in the time of several dangerous Sickneses, which I had of late Years fallen into, I have not in the time of such my Sickneses (when no Man can be supposed to dissemble with the World, being ready to leave it,) made before them a Confession of my Faith, and made my Peace with God, resolving to dye as becometh a Protestant, and good Christian. This I tell your Lordships, was my Religion I was bred in, have ever professed and lived in, and was resolved by God's Grace, to dye in; and yet was so unhappy, by reason of Employment, to be distasteful to many good Men, that I have been suspected even by them, not well knowing me: And this hath been the rise the Duke hath now taken against me. Then for my Love to *Spain*, I wonder from whence that Opinion should grow, since I was there hated and shamed, as the Man whom of all others, they desired to have the least to do withal, having stood ever stricter in Point of Religion, than by my Instructions I might have done; as after the Capitulation concluded on, they understood by some Intelligence, which caused their Hatred towards me.

Sure I am, I shewed it not by the Service I did them; for divers Years together there was not a Letter sent by that King to any other State, that the King my Master had not a Copy of before, or by that time it came to the Place whither it was directed. There was not any great Action on Foot, whereof I had not the private Instructions, and sent them thither; nor any Expedition by Sea or Land, wherein I had not some Ministers or Intelligencers, that gave me from time to time

Adver-

Advantages of their Actions, and most private
 Intentions, whereof I described his Majesty from
 time to time. I used such Industry, as to get all
 the Papers of that King's private Cabinet into my
 Hands, wrote Copies and Notes of such of them
 as I thought useful, and upon every of them set my
 private Mark before they were conveyed back
 again, so that, what so I should have had an Oc-
 casion to have charged him with any Thing men-
 tioned in the same Papers, I might have been able
 to prove it, by colling him his own Paper it was,
 and marked with such a Mark of obligation. There
 was not a Point in Spain that I had not
 caused the Depth of it to be sounded, nor a Fort
 whereof I knew not the Strength, both for the Con-
 quison, Munition, and other Matters of Advantage
 and Disadvantage; in so much, it should please
 the King to appoint a Committee of the Lords to
 take an account of me, I should, by the Stores I
 gathered there, and brought with me, make it ap-
 pear, I was as useful a Servant to his Majesty in a
 War, as in a Peace. Whereat, as his Majesty's
 coming out of Spain, the Powers of the Defen-
 ces were to be deposited in some Man's Hands,
 and the Duke, upon pretence of doing me Ho-
 nour, but intending to break my Neck by it,
 moved they might be left with me, and the King
 of Spain was contented; and so they were put in
 to my Hands, not as an Attorney only for the
 Prince: But the King of Spain having taken the
 substitution of them by his Secretary of State, re-
 gistered in legal form, whereby that King was then
 become interested in them, by their Occupation,
 as well as the Prince by granting of them. And
 becoming the *Instrumentum stipulatum*, wherein
 they were both interested, they were deposited
 into my Hands, as an indifferent Person, trusted
 between the King of Spain and the Prince with a
 Declaration of the Trust. And now the Duke was
 returned out of Spain, he plotted my ruin, and
 put

but in Execution of this manner. He consented
 that the Powers were to expire at *Christmas*, and
 presented his Majesty to write a Letter, (not a di-
 rect Command) but expressing a desire, that the
 Despondencies should not be exposed to the Days in
Christmas, intending thereby to draw me into a
 Dilemma, That if I proceeded in the Match, which
 better should, as now it is, have been enforced a-
 gainst me, as a Breach of Instructions: If I had
 not proceeded, then I had broken my Trust be-
 tween the Prince and King of *Spain*, overthrow-
 ing the Marriage so long sought and laboured, misbe-
 coming the main Scope of my Ambassage, contrary
 to express Warrant, and that upon a Letter I
 must needs know to be a mistake. And when I
 had written into *England*, to have a direct War-
 rant in the Point, the Duke then seeing that Plot
 would not take, he dealt with divers great Lords,
 as was well known to some of their Lordships
 there present, to have me upon my Arrival in
England, committed to the Tower, before I should
 ever come to speak with the King; which the *Spa-
 nish* Ambassador here in *England*, having gotten
 private notice of, gave Advertisement thereof to
 that King, who thereupon foreseeing my Danger,
 and consulting with his Council and Divines, what
 were to be done for his Honour and Conscience to do
 in that Case, they resolved, That seeing my Sub-
 stances grew by being an honest Man, and endea-
 vouring to perform the Trust reposed in me by
 that King, as well as the Prince; That King was
 bound both in Honour and Conscience, not only
 to preserve me from ruin, but to make me a Re-
 paration for any loss I should sustain by occasion
 of the Trust. Whereupon, at his Departure go-
 ing to Court to take his leave, the *Comte de Orlans*
 told me, what was plotted against me in *Eng-
 land*; and in respect of the Danger, by reason of
 the greatness of my Adversary, perswaded me to
 stay

‘ stay there, and in his Master’s Name made an Offer,
 ‘ not in Secret, but in the Presence of Sir Walter
 ‘ Aston.’

Rush.
 Vol. I.
 p. 113.

Here the Earl of *Bristol* explained wherein those Offers consisted, namely, in a Blank signed by the King of *Spain*, wherein the Earl might set down his own Conditions, both in Point of Title and Fortune. But all this he refused, as well as a large Sum of Money offered by the King. Then the Earl concluded in the following manner.

‘ Upon what Grounds and Hope came I to en-
 ‘ counter with those Dangers? Not upon hope of my
 ‘ Greatness in Court, and Strength of Friends there
 ‘ to bouldster out an ill Cause; no sure, my Strength
 ‘ was too weak, and my Adversaries too powerful.
 ‘ But I knew my Conscience was clear, and my Cause
 ‘ good, and Trust in God Almighty. And to him
 ‘ now, and to their Lordships Judgments, recom-
 ‘ mend my self and my Cause.’

The ANSWER of the Earl of
 BRISTOL, to the Articles of Accusa-
 tion brought against him by his Ma-
 jesty’s Attorney-General.

I.

THE first Article he denieth; and because the Matters contained in the said Article consist of several Parts; viz. the Loss of the said *Palatinate*, and the Match with the said Lady of *Spain*, and of the several Employments, as of one extraordinary Ambassage to the Emperour, and another to the King of *Spain*, in the Years 1621, 22, and 23. He
 humbly

humbly craves Leave of this most honourable Court to separate the Businesses, and distinguish the Times.

And beginning with the *Palatinate* first, to give an account of his Ambassage to the Emperour, and so to make as brief a Deduction as he could of the whole Carriage in that Business, from the Beginning of his Employment, to the Time he left it, in his Ambassage to the Emperour, he propounded all things faithfully according to his Instructions, and the Answers which he returned to his late Majesty of blessed Memory, were the very same, and no other, than such as were given by the Emperour under his Hand and Imperial Seal; which, according to his Duty, he faithfully sent unto his said Majesty, and withal did honestly and truly advertise his said Majesty, what he understood and thought then upon the Place; but was so far from giving to his Majesty any ill-grounded Hopes in that behalf, that he wrote unto the Lords of the Council here in *England* and *Vienna*, 26 July 1624, in such sort as followeth.

I Am further to move your Lordships, that there may be a Dispatch made presently into Spain to his Majesty's Ambassador Mr. Cottington, that they deal effectually for the Repairing and Ripening of the Business against my coming; that they use some plain and direct Language, letting the Ministers there know, that the late Letter sent by the King of Spain to the Emperour, was colder and more reserved than his Master had reason to expect. I shall conclude with telling your Lordships, That although I despair not of good Success in that knotty Business, yet I hope his Majesty and your Lordships lay not aside the Care of all fitting Preparations for a War, in case a Peace cannot be honourably had. And amongst other things, I most earnestly commend unto your Lordships, by your Lordships unto his Majesty, the continuing yet abroad, for some small time, of Sir Robert Mansel's Fleet upon the Coasts of Spain; which in case his Majesty should be ill used, will prove the best Argument we can use for the Restitution of the *Palatinate*.

And this his Advice, he saith, was wholly intended by his Actions, by being the Cause as he returned homeward out of Germany, to bring down Count Mansfield, whereby the Town of Frankendale was relieved, by supplying of his Majesty's Army, then in great Distress, with Moneys and Plate, to the Value of 10000 l. merely out of his Zeal and Affection to the Good of the King and his Children, having no Warrant or Order, but that his Heart was ever really bent in Effects more than in Shews, to serve the King's Son-in-law and his Cause, as by the Discourse of this Business will appear. And how acceptable these Services were, will more appear, by the Letters of the Queen of Bohemia, in these words following.

My LORD,

Having understood from Heidelburgh, how you have shewed your Affection to the King and me in all things, and in the Help of Money you have lent our Soldiers; I cannot let so great Obligations pass, without giving many Thanks for it by these Lines, since I have no other means to shew my Gratefulness unto you: Howsoever, assure your self, that I will never be forgetful of the Testimonies you give me of your Love, which I intreat you to continue, in doing the King and me all good Offices you can to his Majesty. You have been an Eye-witness of the miserable Estate our Countries are in; I intreat you therefore to sollicite his Majesty for our Help. You have given me an Assurance of your Affection; I intreat you now to shew it, in helping of us by your good Endeavours to his Majesty, and you shall ever bind me to continue, as I am already,

Your very affectionate Friend,

ELIZABETH.

Which

Which Letters were seconded with others about the same time, both from the King of *Bohemia* and Council of *Heidelburgh*, to the same Effect, and how much Satisfaction his late Majesty received in that behalf, and touching that Business, will plainly appear several Ways, and particularly by his Speech in Parliament. And the said Earl likewise appealeth to both Houses of Parliament, to whom, by his late Majesty's Order, he gave a just and true Account of that Employment, with what true Zeal he proceeded; and how he pressed that single Treaty, and Promises no longer to be relied on, but that a fitting Preparation for War might go along Hand in Hand with any Treaty of Accommodation. And, for a Conclusion, among many of his late Majesty's Approbations of his Carriage in this Employment, he humbly desired that a Letter of the Duke of *Buckingham's* under his own Hand, bearing date the Eleventh of *October* 1621, may be produced, being as followeth.

My LORD,

I Am exceeding glad that your Lordship hath carried your self so well in this Employment, that his Majesty is infinitely pleased with your Service you have done, for which he commanded me to give your Lordship Thanks in his Name, until he see you himself. You, of all Men, have cause to commend his Majesty's Choice of such a Man, that unless your Heart had gone with the Business, you could never have brought it to so good a pass. Amongst other things, his Majesty liketh very well the Care of clearing his Honour, whereof he will advise further with your Lordship at your next coming over. I hope you will not find your Negotiation with the Infanta of such Difficulty as you seem to fear in your Letter, seeing my Brother Edward hath brought with him a Letter from his Majesty's Son in-law, whereby he putteth himself solely to his Majesty's Advice and Pleasure for his Submission, as you will perceive by the Copy of the Letter itself, which I here send your Lordship; wherein,

though there be many things impertinent, yet of that point you may make good use for the Accomplishment of the Business, wherein I have written to the Spanish Ambassador to use his Means and Credit likewise; which I assure my self he will effectually do; especially seeing the Impediments are taken away by Count Mansfield's Composition, and the Conformity of his Majesty's Son-in-law to this Submission. For the Money your Lordship hath so seasonably laid forth, his Majesty will see you shall sustain no loss, holding it very unconscionable you should suffer by the Care of his Service; which you have showed so much to his Contentment, to the great Joy of your Lordship's faithful Servant,

Geo. Buckingham.

Having given this Account of his Employment with the Emperour, he humbly craveth Leave to make it known in what sort, before this his Employment, he endeavoured to serve the Prince Palatine and his Cause, which will best appear by his Majesty's own Testimony; upon the going of Sir Francis Netherfole to the Prince Palatine; at which time his Majesty being, out of his royal and just Heart, desirous to do a faithful Servant right, commanded Sir Francis Netherfole to let the Prince Palatine understand how good a Servant the said Earl had been unto him; and how active in his Affairs, as will best appear by a Dispatch of Sir Francis Netherfole, written all with his own Hand to Sir George Calvert, dated in Prague, August 11. 1620, and sent by his late Majesty to the said Earl for his Comfort, being as followeth.

Right Honourable,

THAT you may be the better assured that I have neither forgotten nor neglected the Commandments received from his Majesty by your Honour; you will be pleased

pleased to have the Patience to bear me report what I said to this King upon the Delivery of my Lord Deputy's Letters to his Majesty; which was: That the King my Master, whose Justice is so renowned over the World, did use to shew it in nothing more, than in vindicating his Servants from wrongful Opinions, whereof he knew noble Hearts more sensible, than of Injuries done to their Persons and Fortunes; That out of his royal Disposition his Majesty having found my Lord Digby mistaken by some of his own People at home, by occasion of his being by him employed in the Affairs with Spain, having thereupon received a Jealousy, that the same noble Lord might be also misreported; hitherto his Majesty's Hands in that respect gave me a particular Commandment, to assure his Majesty, he had not a more truly affectionate Servant in England: And for proof thereof, to let his Majesty understand, That whereas the Baron of Doncaster, now his Majesty's Ambassador for England, had, since his coming thither, obtained but three great Boons for his Majesty's Service; viz. the Loan of Money from the King of Denmark, the Contribution in England of the City and Countries, and the sending Ambassadors to the contrary Parties, that my Lord Digby had been the first Propounder of all those to the King my Master, before his Majesty's Ambassador, or any other of his Majesty's Servants in England; although his Lordship were contented, that others, who were but set on, should carry away the Thanks and Prayers, because his Lordship, being known to be the first Mover therein, might possibly weaken the Credit he bath in Spain, and to render himself the more valuable to serve both his own Master and his Majesty; in which respect I humbly prayed his late Majesty to keep this to himself.

By which Testimony it may appear, as the said Earl conceiveth, how he, the said Earl, bestowed himself before his Ambassage, and in his said Ambassage which his said late Majesty's Approbation thereof. Now he humbly craved leave to give your

Lordships Account how he proceeded after his return from the Emperour's Court.

As soon as he came into *England*, he discovered unto his Majesty and the Lords of the Council, in what great want he had left the Forces in the *Palatinate*, and solicited the present sending away of Money; thereupon Thirty Thousand Pounds was borrowed of Sir *Peter Vanlore*, Sir *Baptist Hicks*, and Sir *William Cortine*, and presently sent unto the *Palatinate*, besides the Ten Thousand Pounds which he lent, for which he paid the Interest out of his Purse for six Months, having also given, not long before, Five Hundred Pounds, by way of Benevolence, to the Service of the said *Palatinate*.

Now in the Interim, betwixt his Return from the *English* Coasts, which was in *November* 1621, and his going into *Spain* in *May* 1622, he first gave his Account, as aforesaid, of his Ambassage to both Houses of Parliament, and moved them effectually, as was possible, for the supplying of his Majesty, and that the Money might wholly be employed for the Succour of the *Palatinate*.

The Parliament being dissolved, he solicited with great Care and Industry the settling of some Course for the supplying of the *Palatinate*, and his Majesty was persuaded to maintain Eight Thousand Foot, and Sixteen Hundred Horse, under his own Standard, and at his own Purse, in the *Palatinate*, to establish a certain Course for due Payment of the said Army: The Lord *Cbicbester* was, upon the said Earl's Motion, sent for out of *Ireland*, and the said Earl, by his Majesty's Command, took order for his Dispatch. In this Estate the said Earl left his Affairs at his departure towards *Spain* in *May* 1622, nothing doubting but that all things would have effectually and constantly been pursued, according to the Order which was settled and resolved on at his Departure,

At his Arrival at the Court of Spain, he presently proceeded according to his Instructions, pressing the Business of the *Palatinate* as effectually as he could, and faithfully laboured and effected from time to time (as far as to the Point of Negotiation) all Particulars that were given him in Charge, as it will appear by his late Majesty's Letter upon every particular Occasion; and if by the Accidents of War for that Summer, the Marquis of *Baden*, the Count *Mansfield*; and the Duke of *Brunswick*, received each of them an overthrow, (the ordering of whose Affairs his Majesty so far complained of to his Son-in-law, as to give Order for the withdrawing of his Forces, as will appear by his Majesty's Letters on the 3d of *June* 1622, and also by his Letters unto Sir *Horace Vere*, and the Lord of *Chichester* of the same Date, if there were not a speedy Redress;) if by any of those Accidents those Businesses have miscarried, the said Earl hopes he shall not be liable to the Blame, it having no Relation to him, or to his Employment, having so far and so honestly, with his best Affections, employed his Care and utmost Services in the Businesses, as his Majesty was pleased, by many several Letters upon several Actions, to signify his gracious Reception of his Service, as in his Letters of *November* 24. 1622, written as followeth; viz.

Your Dispatches are in all Points so full, and in them we receive so good Satisfaction, as in this we shall not need to enlarge any further, but only tell you, we are well pleased with this diligent and discreet Employment of your Endeavours, and all that concerneth our Service; so are we likewise with the whole Proceedings of our Ambassador, Sir Walter Alston.

Thus we bid you heartily farewell.

New-Market.
Nov 24. 1622.

And afterwards his Majesty was likewise pleased; in his Letters of *January* 18. 1622, to write before our gracious Sovereign Lord the King, then Prince, his coming into *Spain*; as followeth,

Concerning that knotty and unfortunate Affair of the Palatinate; to say the Truth, as things stand, I know not what you could have done more than you have done already.

And whereas it is objected, the *Palatinate* should be lost by the *Hopes*, he, the said *Earl*, gave; by his Letters out of *Spain*, it is an Objection of Impossibility; but there was nothing left but *Manheim* and *Frankendale*, when his first Letters but of *Spain* could possibly come to his late Majesty's Hands; for he did not begin to negotiate that Business until *August* 1622, and about that time *Heidelberg*, and all but *Manheim* and *Frankendale* was lost; and *Manheim* he had saved by his Industry, had it not been so suddenly delivered, as is by his Majesty acknowledged by Letter of 24 *November* 1622, written thus; viz.

And howsoever the Order given to the Infanta, for the Relief of Manheim, arrived too late, and after the Town was yielded to Tilly; yet must we acknowledge it to be a good Effect of your Negotiation; and an Argument of that King's sincere and sound Intention.

And *Frankendale* being by the said *Earl's* Means once saved, was again the second time saved merely by the said *Earl's* Industry; and procuring a Letter from the King of *Spain*, dated the 2d of *February* 1623. Whereupon followed the Treaty of Sequestration, which hath since continued. And he, the said *Earl*, was so far from hindering Succours by any Letter or Counsel of his, that he was the Solicitor, and in great part the Procurer of most of the Succours that had been sent thither, as is formerly set down. And when his Royal Majesty that now is, and
the

the Duke of *Buckingham* arrived at the Court of *Spain*, they found the Business of the *Rakelint* in false way, that the *Spanish* Ministers told them, that the King should give his late Majesty a Blank, in which we might frame our own Conditions; and the same he confirmeth unto us now; and the like touching this Blank was likewise acknowledged by the Duke of *Buckingham* in his Speech in Parliament, upon the Return of his Majesty out of *Spain*. And it will appear by the Testimony of Sir *Walter Aston*, and by his and the said Earl's Dispatches, that the said Earl wanted not Industry and Zeal in the Business; inasmuch as the last Answer the said Earl procured hereof from the King of *Spain*, was fuller than he the said Earl was ordered by his late Majesty's latest Letters to insist upon. So as by that which hath been acknowledged, the said Earl hopeth your Lordships will be satisfied, not only that he wanted neither Will nor Industry, but that he hath, with all true Zeal and Affection, and with his own Means, faithfully served their Majesties and the Prince *Rakelint* in this Cause: And for Assurance in that Affair, he had all that could be between Christian Princes; and if in the said Assurances there hath been any Deceit, as by the said Articles is intimated, which he never knew nor believed, he referred it to God to punish their Wickedness; for betwixt Princes there can be no greater Tie, than their Words, their Hands and Seals, all which he procured in that behalf; and both the said Earl and Sir *Walter Aston* were so confident that the Business would be ended to his late Majesty's Satisfaction, that in a joint Dispatch to his late Majesty of 24 November 1623, after his own Majesty's Return into England, they wrote as followeth; viz.

We hope that your Majesty may, according to your desire signified to me the Earl of Bristol by the Letters of October 8, give to your Majesty's Royal Daughter this Christmas the comfortable News of the near expiring of her great Troubles and Sufferings, as unto the Prince
your

your Son in the Congratulation of being arrived to a most excellent Princefs.

And having thus given your Lordships an account of his Proceedings touching the *Palatinate*, he will, by your Lordships good Favours, proceed to the other Part of that Charge concerning the Marriage.

And first, touching his Hopes and Assurances, that he is charged to have given to his late Majesty, and his Ministers of State here in *England*, of the *Spaniards* real Proceedings in the said Match, when, he said, he knew he never meant it : He saith, he never gave any Hopes of their real Proceedings, but such, and the very same that were first given to him, without adding or diminishing ; neither could he have done otherwise, either with Honesty or Safety. And he further saith, That the Hopes he gave were not upon any Intelligence ; but as well in that of the Match, as the other of the *Palatinate*, his Advertisements were grounded upon all the Assurances both of Word and Writing, that could possibly pass between Christians, as will be made evidently appear by his Dispatch of 9 September 1623, which he humbly desires may be read, if the length of it may not displease. The Substance being to shew all the Engagements and Promises of the King of *Spain*, that he really intended the Match. And the Causes why the *Conde Olivares* pretended to the Duke of *Buckingham*, that the Match was not formerly meant, was only thereby to free himself from treating any longer with the said Earl, to the end that he might treat for larger Conditions, in point of Religion with the said Duke : The said *Conde Olivares* taking Advantage of having the Person of his Majesty, then Prince, in his Hands. And with this Dispatch the said Earl acquainted his Majesty that now is, in *Spain*, before he sent it.

And by this Dispatch the Earl doubted not, but that it will appear to this Honourable Court, that whilst the treating of this Business was in Hand, he pro-

proceeded in that, not only with Care and Industry, but with some measure of Vigilancy. And for clearing an Objection that hath been alledged, that the Match was never meant before the Duke's coming into *Spain*, nor after; the Earl craveth leave to set down some few Reasons of many, which caused him to believe that the said Match was, and hath been really meant, and that it was so conceived by both their Majesties, and the King of *Spain*, and their Ministers on both sides.

For 1st, The Duke of *Buckingham* certified his late Majesty, that the Business of the Marriage was brought to a happy Conclusion; whereupon his late Majesty was pleased to give Order to the Duke and Earl to proceed in the Business; which his said Majesty would not have treated till the said Marriage was concluded, as will appear by a Letter of his said late Majesty jointly to the Duke of *Buckingham* and the said Earl, of the 23 *July* 1623.

2dly, It will appear by Letters of the said Lord *Conway* to the Duke of *Buckingham*, bearing date *September* 4, 1623. That the said Duke had good Assurance of the Conclusion of the said Match; and upon this Confidence were all Things put in due Execution in *England*, as had been capitulated; and the Lord *Conway* and others faithfully agreed and settled all the Points of Immunity and Liberty for the *Roman* Catholicks, and for the Use of their Religion, as was set down in their Declaration, *August* 9, 1623. hereafter mentioned in the Answer to the Fifth Article of this Charge,

3dly, The very Day his now Majesty and the Duke of *Buckingham* departed from the *Escorial* in *Spain* towards *England*, the said Duke solemnly swore to the Treaty of the said Marriage, and the furtherance of it all that should be in his Power, upon the Holy Evangelists, in the Presence of the said Earl and Sir *Walter Aston*.

4thly, The

4thly, The Treaty of the said Marriage had been formerly signed, sealed, and solemnly sworn by the King of *Spain*: And when his Majesty and that King took their Leaves, he did solemnly, in the Words of a King, faithfully and punctually protest to perform all that had been capitulated in the Treaty of Marriage; and thereupon embraced his Majesty at his departure, and sent the very next Day a Letter, written all with his own Hand to his Majesty, vowing and protesting to make all good that he had capitulated or promised unto his Majesty at his departure the Day before: So that if there were no true meaning on the Part of *Spain* to make the Marriage, as by Mr. Attorney is pretended; yet certainly the Earl hath not been slightly deceived; neither can it be, as he conceiveth, any fault in him, since not only his late Majesty, but also his Majesty that now is, and the Duke of *Buckingham*, being then both upon the Place, did confidently believe, and that upon other Grounds than Mis-informations, Suggestions and Persuasions of the said Earl, that the Marriage was really intended: And to that Effect, both his late Majesty of blessed Memory, and his most excellent Majesty that now is, after his return into *England*, wrote unto him, the said Earl, several Letters, assuring him, that their Intents and Pleasures were to have the said Match proceeded in, and thereupon the Proxies of his Majesty, then Prince, were again inrolled and sent unto the said Earl. So that the said Earl having so many and so great Causes to be assured, that the Match was really intended on both Sides, he conceiveth it will be hard for Mr. Attorney to make good that Part of his Charge, wherein he affirmeth, that the Earl should know the contrary, or the Assurance to be upon false Grounds, as in the said Article is alledged.

II.

To the second Article, he directly denieth all the supposed Offences, wherewith he stands charged by the said Article. And for a clear Declaration and Manifestation of the Truth and manner of his Proceedings, he saith,

First, As to the continuing the Treaties upon Generalities, that the Temporal Articles were by Agreements on both Sides not to be treated or settled untill such time as the Articles of Religion were fully agreed on; for that it was held most proper and honourable for both Sides, first, to see if the Difficulty of Religion might be removed, before they passed to any further Engagements. And the said Articles of Religion, by reason of the Pope's new Demands sent into *England* by Mr. Gage, were not signed nor condescended to by his late Majesty, nor his Majesty that now is, then Prince, till *January 5. 1612.* and were then sent away in Post out of *England* to the said Earl by Mr. *Simon Digby*, who arrived with them at *Madrid* in *Spain*, about the 25th of the same Month. But the Earl's Care was such, to have no time spent in the settling of the Temporal Articles, that before he would condescend so much as *de bene esse* unto the Articles of Religion, that they should be sent back to *Rome*, he procured the King of *Spain* to Promise, That within the Time limited for procuring the *Desponsories*, which was by *March* or *April* following at the furthest, all Temporal Articles should be settled and agreed, to the end that the *Infanta* might be delivered at the Spring, as by the King of *Spain* his Answer in writing was declared to be the King's Intention; and accordingly Sir *Walter Aston* and the said Earl did not deal in general, but did most industriously labour to settle all in particular, viz. That the Portion should be two Millions, it appearing, that it was so agreed by the late King of *Spain**; That the Dispensation coming, the *Desponsories* should

* Philip III.

be within forty Days after ; and that *Don Duarte de Portugal* should be the Man that should attend the *Infanta* in the Journey. And all other Particulars necessary for the Conclusion of the said Treaties, were, by *Sir Walter Aston* and the said Earl, and the *Spanish* Commissioners, drawn up into Heads, in writing, and after many Debates, they were consulted with that King ; and 2 *Martij* 1623 *filio vet.* the *Conde Gondomar*, and the Secretary *Don Andreas de Prada*, were appointed to come Home to the House of the said Earl, to signify unto *Sir Walter Aston* and himself, as they did, That the King of *Spain* had declared his Resolution in all the Particulars, and given them order to come to a speedy Conclusion with them in all Things : And that King's Answer to that Conclusion, the Earl saw, and read, all written with the King of *Spain's* own Hand.

On the seventh Day of the said Month of *March* 1623, the King's Majesty, then Prince, and the Duke of *Buckingham*, arrived at *Madrid* ; and the *Spaniards* took new Laws, and the Negotiation was put into a new form. So that whereas it is objected against the Earl, that he entertained and continued the Treaties so long upon Generalities, he conceives it is not meant upon the Spiritual Articles ; for they were such as were sent from *Rome* into *England*, from thence they came to the Earl : And for the Temporal Articles, they were not to be settled and treated till the Articles of Religion were concluded. He conceiveth it cannot be alledged with any Colour, that his Majesty was entertained with Generalities, since the time that the said Articles of Religion were brought unto the said Earl by *Mr. Simon Digby*, being about the 25th of *January*, there were but six Weeks until *March* 7 following, when his Majesty, then Prince, arrived in *Madrid* ; and in the interim, all the above-mentioned Particulars were settled : And the time that hath been spent in this Treaty, hath not been through his, the said Earl's, Default, in continuing upon Generalities, without pressing to Particulars,

Particulars, but hath been caused, as well by Difficulties which the Business brought with it, as also with exterior Accidents, viz. The Wars of *Bobemia*, the Death of two Popes, and the late King of *Spain*, without the least fault of the said Earl, as is acknowledged by the late King of blessed Memory, in the said Earl his Instructions, on the 14th of *March* 1621.

Neither could any Delay therein be attributed to him the said Earl; for he was employed in those times into *Germany* and *Flanders*, and Sir *William Aston* and Sir *Francis Cottington*, for the space of three or four Years, were resident in *Spain*; from whence the hopes they gave were upon all the discreet Grounds that Ministers can expect from a State: But the Earl re-assumed his Business six Months before his Majesty's coming into *Spain*; and he was so desirous to see his Majesty, then Prince, bestowed, that he pressed nothing so much, both to the King and Prince, as that the Prince might lose no more time, and rather to break the Match with *Spain*, than suffer any further Delays; as it will appear by his Dispatches from his first arrival at the Court of *Spain*, until his Majesty, then Prince, his coming. For in his Letters of *June* 20, 1622, being the first he wrote after his first Audience, he was so desirous that no time might be lost, that in them he craved leave of his Majesty, that in Case he should find any Delays in *Spain*, he might without expecting any Order, take his leave, and come home.

Upon the return of Sir *Francis Cottington*, in September following, he wrote both to the King, and his Majesty then Prince. To the King, as followeth:

I shall presume to add to that which Mr. Cottington shall deliver unto your Majesty by Word of Mouth, of the present Estate of the Match, what I conceive to be the right way to bring it to a speedy issue: That your Majesty will be pleased positively to declare, what you will do in point of Religion, and that you will appoint me a certain limited time, by which this King should procure the
Dispensation,

Dispensation, or conclude the Match without it; and in Case there shall be any farther Delay therein, that I may then declare your Majesty to be free and disengaged, to bestow the Prince in such sort as you shall judge most convenient.

And to the Prince, at the same time wrote in these subsequent Words, viz.

That which will be necessary for his Majesty presently to do on his Majesty's part, is, to declare himself, how far he will be pleased to yield in point of Religion; as Mr. Cottington will approve unto your Highness: And that he set a prefixed time to break or conclude the Match, either with the Dispensation, or without the same. And for the rest, it may be left to my Negotiation. But your Highness may be pleased to hasten his Majesty's Resolutions with all possible speed.

And the said Earl saith, That having received from his said late Majesty his Resolution in point of Religion, and a limited Time according to his Desire; he was so precise and punctual therein, that although the making or breaking of the Marriage depended upon it, he would not give one Month's respite longer Time for the procuring of the Dispensation, untill he had first acquainted his late Majesty therein, and received his Directions under his own Hand; as will appear by his Majesty's Letters of October 25 1622, as followeth:

Right trusty and well-beloved Cousin and Counsellor, We greet you heartily well. Whereas by your last Letter written to our Secretary, dated September 29, you are desirous to have our Pleasure signified unto you under our own Hand: Whether we will be content or not to grant a Month's Time longer, for the coming of the Dispensation from Rome, than we have already limited unto you, in Case they shall there conclude all Things else for our Contentment, with a Resolution to send the Infanta hither

hither the next Spring: We do hereby declare unto you, that in that Case you shall not break with them for a Month's longer Delay. We also wish you not to trouble your self with the rash Censure of other Men, in Case your Business should not succeed; resting in that full Assurance of our Justice and Wisdom, that we will never judge a good and faithful Servant by the Effect of Things so contingent and variable. And with this Assurance we bid you heartily farewell.

And he further saith, That when he had agreed on the Articles of Religion, and that a certain Time was set for the coming of the Dispensation, and a Conclusion of the Match, although he would bind himself to nothing, without his Majesty's Approbation, yet for that no Time might be lost, he agreed to the Propositions, *de bene esse*, sent by Mr. Porter, December 10. 1622, to the End the Articles might be immediately sent to Rome, without losing so much time as to hear first from England: And humbly moved, that in Case his Majesty should like of the said Articles, he would send his Approbation directly to Rome for the gaining of Time; which his Majesty was pleased to do. And at the same time he wrote both to his said late Majesty, and his Majesty then Prince, as followeth, viz. to his Majesty :

This is the true State of the Business as it now standeth. If your Majesty approve of what is done, I hope it will be a happy and a short Conclusion: If your Majesty think it not fit to allow and condescend to the said Articles, I have done the uttermost of my Endeavours, and shall humbly persuade your Majesty not to lose a Day longer in the Treaty; so much it importeth your Majesty and your Kingdoms, that the Prince were bestowed.

And to the Prince, in Letters of the like date, in this sort.

I have presumed to write to his Majesty, that which I think my Duty to say to your Highness. That in Case you shall not approve of what is now conditionally agreed, you permit not a Day more to be lost in this Treaty: For it is of so great Consequence that your Highness were bestow'd, that it importeth almost as much that you were speedily, as fully match'd. But I hope his Majesty, and your Highness, will in such sort approve of this last Agreement, as you will speedily bring this long Treaty to a happy Conclusion. I am out of hope of bringing Things to any better Terms; therefore I deal clearly with your Highness, and do not only most humbly persuade, but, on my Knees, beg it of you, that you either resolve to conclude this Match as you may, or speedily to break it, and bestow yourself elsewhere; for no less than the Happiness of your Kingdom, and the Security of the King your Father, and yourself, depend upon it.

All which Things being considered, the Earl most humbly submitteth himself to the Judgment of the most High and Honourable Court, whether the Delays which Accidents have brought forth in this Business, can be attributed to his Fault; since on the one side it will evidently appear to your Lordships, that he never moved his Majesty and the Prince to admit of Delays, but rather to think of some other Course; and it will on the other side appear by all the Dispatches, that he press'd Things with the Ministers of Spain to as speedy a Conclusion, as the utmost Terms of fair Negotiation and good Manners would bear. And whereas it is pretended, that the Spaniards should take occasion, by entertaining the said Treaties, to abuse his said late Majesty (which he knoweth not) yet, he saith, he used all the Vigilancy and Industry that a careful Minister could do, and had from the Spaniards all the Assurances, by Oaths, Words and Writings, which could be expected from Christians; the which, without adding or diminishing, he faithfully presented unto his said late Majesty; and his said late Majesty was pleas'd

led in those Times, to conceive upon those Assurances, that they dealt really with him. And he conceiveth that his Majesty that now is, then Prince, and the Duke of *Buckingham*, were pleased to write as much to the late King's Majesty, at their first coming into *Spain*, and that all which the Earl had written, touching that Employment, was there avowed by the *Conde Olivares* and *Conde Gondomar*, to the said Prince and Duke, at their Arrival at *Madrid*; and he hopeth, that if that Dispatch may be perused, it will as well appear and be adjudged, that he served his Majesty with some measure of Vigilancy, as well as fulness of Fidelity.

III.

To the third Article the said Earl saith, That he did not, either by Words or by Letters to his late Majesty or his Ministers, extol, or magnify the Greatness and Power of the King of *Spain*, nor represented to his late Majesty the supposed Danger that might ensue unto him if a War should happen between him and the King of *Spain*, nor affirmed, nor insinuated the same, as in the said Article is mentioned; but if he did at any time speak, or write of the Power and Greatness of the King of *Spain*, or represent any Danger to his said late Majesty that might ensue by entering into Hostility with the said King of *Spain*, it was as a faithful Counsellor and Servant to his Majesty, by way of his Advice and Opinion, which he ever delivered sincerely, faithfully and truly, according to the present Occasion, and in no wise with such an intent as in the said Articles is mentioned, nor to any other evil Intent or Purpose whatsoever.

But he hath been so far from dissuading his late Majesty to take Arms, that he hath upon all just Occasions advised, that all fitting Preparations for War might be made, as, beginning with the Year 1621, from which time he is only charged, will appear by

his Speech in Parliament presently after his return out of *Germany*; and that he hoped his Majesty would no longer rely upon single Treaties, but make all strong Preparations for War; and that the Parliament would enable his Majesty therunto; and by the Care he took before his going again upon his Ambassage into *Spain*, that the Establishment of an Army under his Majesty's own Standard of Horse and Foot, and under his own Pay, might be settled and provided for; as likewise his Advice to the Lords of the Council, that his Majesty might have a Comb upon the King of *Spain* upon all Occasions, by continuing of Sir *Robert Mansfield's* Fleet upon the Coasts of *Spain*, as will appear by his Letter written from *Vienna*, 26 July 1621, mentioned in the Answer to the first Article. By all which it appeareth, that he laboured and endeavoured as much as in him lay, that his Majesty might be well prepared for any Occasions of War that should happen. And he no way remembered to have discouraged, or to have spoken or written any thing that might have been understood to have tended to the discouraging of his said late Majesty for the taking of Arms, and entering into Hostility with *Spain*, or for resisting of him and his Forces, from attempting the Invasions of his late Majesty's Dominions, or the Dominions of his late Majesty's Confederates, Friends or Allies, as by the said Articles is charged against him; neither remembered that he had any Cause so to do. But if he have in any kind spoken or written of *Spain*, or the Power thereof, it may have been to his late Majesty, or to his Majesty that now is, by way of Discourse, speaking of the Solidness of the *Spanish* Proceeding, of their serious and deliberate debating of Businesses before they resolve on them, of the constant pursuing of them when they are once resolved, wished that *England* and other Nations would therein imitate them: For he supposed the right Way to impeach their Greatness was, to grow as wise as they, and to beat them at their own Weapons. But other

wife he is confident never to have been heard to speak or write any thing that might have any Terror or Discouragement to his late Majesty or his chief Ministers, knowing that *England* well ordered, need to take little Terror at the Power of *Spain*, having almost in all Attempts and Enterprizes, won Honour upon them. And as for the preventing of Dangers that might ensue upon a War, though he knew not what is aimed at in that particular: Yet he is most confident, out of the Integrity of his own Conscience, that he neither said, nor advised any thing but what befit a faithful Counsellor and Ambassador, which was truly to deliver his Opinion as he understood it upon the present Occasion: And as for affirming that his Majesty's Quiet should be disturbed, and he not be permitted to Hawk or to Hunt, he remembreth not what Discourse he may have had, or written to any Person, how fit it might be upon the being broiled in a great War, seriously to intend it, and make it our whole work. But as he is confident it will appear, that what Discourse soever it might have been, it wanted not true Zeal and Affection which he hath ever born to the King's Service, and he hopeth it will not be found to want due Respect and Reverence on his part, which he ought to shew to so gracious a Master. Neither can it be conceived, that the Considerations of Hunting and Fowling, should be Considerations worthy so great and prudent a King, to withhold from a War for the Good of Christendom, and his Kingdom, if he should have been justly provoked thereunto.

IV.

To the Fourth Article the said Earl saith, That he did not any thing contrary to his Duty and Allegiance, or contrary to the Faith and Duty of an Ambassador, as by this Article is alledged; but did intend the Service and Honour of his late Majesty, and no corrupt and sinister Ends of his own Advancement,

ment, as by this Article is so alledged. And as for the Conference which is pretended he should hold concerning the Treaty, that being told there was little probability that the said Treaties would or could have good Success, he should acknowledge as much; and yet said, he cared not what the Success thereof might be, but that he would take care to have his Instructions perfect, and to pursue them punctually, and would make his Fortune thereby, or words to that effect; he doth not ever remember to have held such Discourse. Though it be true, the time hath been many Years since, when he thought the Match very unlike to be effected, in regard unequal Answers were given in Prince Henry's Days, and of the Unlikelihood of accommodating the Differences of Religion; and saith further, That the reviving of the Treaty of the said Match for his Majesty that now is, was not by his Means, for he ever declared his Opinion clearly, both to his late Majesty and to his Majesty that now is, That in the first Place he wished and advised a Protestant Match, but in the Duty of a Servant understanding that both their Majesties desired the Match really with Spain, he did really and faithfully intend the Service and Honour of their Majesties, and effectually endeavoured to procure their Ends. And it is very likely he might say, he would get his Instructions perfect, and pursue them punctually, as he conceiveth was lawful and fit for him; but the latter Part of this Conference, that he should say he would make his Fortune by it, or any other words to that effect, he was in Anno 1621, and ever since of that Rank and Quality, both in regard of his Employments, Fortunes, and his Majesty's Favour, that he assureth himself he did not, and dares answer for his Discretion, That it was impossible for him to hold so mean and unworthy Discourse.

To the Fifth Article he saith, That what is therein alledged, is so far from being so, that contrarily upon all Occasions to the uttermost of his Power, he did labour to prevent all the Inconveniencies in Point of Religion that might come by matching with a Princess of a different Religion, as well appeareth by the Paper of his Opinion, that his Majesty should marry with a Lady of his own Religion, hereafter mentioned in his Answer to the Seventh Article. And for further proof thereof, he saith, That in the whole Treaty with *Spain* he stood more strict in Points of Religion, than by his Instructions he needed to have done, as will appear by the Testimony of Sir *Walter Aston*, and his Dispatches of the Twelfth of *December* 1622, and other Dispatches, which he desireth may be read. And as for concealing or persuading to set at Liberty the Priests or Jesuits, he utterly denieth to have done any such thing; as before he hath answered. Although it be true, that the Ambassage in *Spain* be far different from the Employment of other Places, where there is a Body of our reformed Religion, and whereby his Majesty hath Kindred and Allies; whereby his Majesty's Ministers may be informed of the necessary Occurrences of State without the Helps of Priests or Jesuits. But in *Spain* there being none but *Roman* Catholicks, nor any manner of Correspondency or Intelligence but by them, the Ambassadors must make use of all sorts of People, especially of Jesuits and Priests, and to that end Ambassadors sent thither have a large and particular Warrant under the King's Hand, to treat and make use of Priests and Jesuits, and all other sorts of Men, unless it be such as are proclaimed Rebels. And divers times the Ministers employed in *Spain*, to gratify some whom there they employed for the King's Service, have, as he believeth, at their particular Suit moved his Majesty to extend Grace

and Father to some particular Friend and Kinsman of his, being a *Roman* Catholick and imprisoned in *England*; and that he remembreth to have hapned to others, but dooth not remember himself to have written to his late Majesty in that kind: And as concerning his Advice and Counsel, to seek Liberty, Jesuites and Priests, and the granting to the Papists a Toleration, or the silencing of the Laws against them, he saith, that his late Majesty was engaged by the Treaty of *Madrid* 1617, in divers matters concerning Religion; likewise by promise to *Card. Gondomar* and his Letters to the King of *Spain*, 17 April 1620, wherein he is pleased to promise some Particulars in favour of *Roman* Catholicks, as by the said Letters will appear: And understanding the said Earl had sufficient Warrant under the King's own Hand, to assure the King of *Spain* whatsoever was agreed in the said Article, or in the said Letters, his Majesty would sincerely perform; yet the said Earl was so cautious in that Point, that when for the Conclusion of the Match the other Articles of Religion being allowed, it was pressed by the *Spanish* Ministers, that a Clause of Convenience might be inserted with Protestation, That the Form and Way thereof should be wholly left to his Majesty's Wisdom and Clemency, and that his Majesty's *Roman* Catholick Subjects should acknowledge this Grace to have come from the King's Majesty's Mercy and Goodness: Yet the said Earl would not condescend hereunto, *de bene esse*, as by his Letters to Master Secretary *Calvert*, 8 October 1622, will appear hereby to give his Majesty time to have recourse unto his second Consultation, and to take it into Consideration before he would engage or bind himself in this Point: But his late Majesty and his Majesty that now is, were pleased to condescend hereunto by signing the said Articles with their own Hands, and likewise by writing their private Letters of the 8th of *January* 1622, to that effect to the King of *Spain*, as by the said Letters will appear. Neither did the said Earl by Letters or otherwise,

otherwise, but in such a manner, as to be so far from being a
 to grant, or allow, or to the Papists, or Professors of
 the *Romish* Religion, to free the Nation, and standing
 of the Laws made, and standing in force against them;
 but ever protested against such Toleration; and
 when any such Provision, hath been offered, and
 made in Spain, it was refused so much, as no one
 can so it, nor so far it to be proposed; although
 is the true, that he hath since seen a Papist touching
 Pardons, Suspensions, and Dispensations for the *Ra-*
man Catholics, bearing date the 17th of August, 1623,
 signed by the Lord Conway, and others, which in ef-
 fact is little less than a Toleration; which Report is
 that which followeth.

had in the year 1623, the said Earl of Salisbury, 7 August 1623.

The Declaration touching the Pardons,
 of Suspensions, and Dispensations of the
Roman Catholics.

This Declaration having been inserted at length in the
 Reign of King James I. under the Year 1623, there
 is, I think, no occasion of setting it down here again.

But this Declaration, the said Earl saith, and as-
 firmeth, was the Effect of the Duke of Bucking-
 ham's Negotiation, and treated and concluded by the
 Lord Conway with the Spanish Ambassador here,
 whilst the Prince was in Spain; neither was his Privy
 or Advice in it. For if he had known it, he should
 have protested against it. All which, together with
 the Difference betwixt the Conditions of Religion
 agreed at the Treaty of Madrid, 12 December, 1612,
 by the said Earl, and the said Sir Walter Aston, being
 by their Lordships considered, the said Earl doubteth
 not but that it will manifestly appear, whose Endeav-
 our it was to advance the *Romish* Religion; and the
 Professors thereof; and judges the said Earl most un-
 fortunate

have his Journey prevented; who upon the Confines of *France* met with his Majesty and the Duke of *Buckingham* on his Journey towards *Spain*, and told them as much. So that although he confesseth what is laid in the Charge to be true, viz. That by the said Journey the Person of the Prince, the Peace and Safety of the Kingdom did undergo further Danger; (at the Remembrance of which the Hearts of all good Subjects do tremble) yet the Blame is due to the Authors and Advisers of the same Journey, and not to the said Earl; and although it pleased God, to the exceeding great Joy and Comfort of the said Earl, and of all good Men, to send his gracious Majesty home with Safety, yet never was the Person of any Prince, upon such Grounds, exposed to so great an Hazard; and in such Cases, not the Success but the Counsellors are considerable.

VII.

To the Seventh Article the said Earl saith, That he did not move or persuade his Majesty, then Prince, to change his Religion neither in the manner in the said Article mentioned, nor in any other manner whatsoever: Neither doth he conceive, that the Charge in itself as it is laid, will in any reasonable Construction bear any such Inference as is made therein; so as he conceiveth, he needeth not make any further or other Answer thereunto. Yet that it may appear that the manner he used to the same Prince was not traiterously, falsely or cunningly, nor without Ground, or to any such intent, as in the said Article is supposed. And to manifest unto this most high and honourable Court, how far he was from all such Intention, he saith, That he doth acknowledge that within few Days after his Majesty's coming into *Spain*, whilst he had the great Honour to have his Majesty lodged at his House, and to have so Royal a Guest, finding by the *Spanish* Ministers, That there was a general Opinion, that his Majesty's coming

coming thither was with an Intention to become a *Roman Catholick*; and the *Cond. Gondomar* having that very Morning pressed the Earl not to hinder so pious a Work (as he termed it) of his Majesty's Conversion, and seeming to be assured of the Duke of *Buckingham's* Assistance therein, his Majesty being all alone in a withdrawing Room in the said Earl his House, the said Earl kneeled unto him, and told him, That he had a Business to impart unto him, which highly imported his Majesty to know, so that he might be assured his Boldness therein might be pardoned; which his Majesty graciously promised. And thereupon the said Earl told his Majesty, That the general Opinion of the Court was, that his Majesty's coming into *Spain* was with an Intention to be a *Roman Catholick*, and there to declare it. And he confesseth, That at the same time in regard of those things he had heard, he humbly besought his Majesty to deal freely with him as a Servant, of whose Fidelity he might be confident, or Words to that Effect: But he was so far from persuading his Majesty to be a *Roman Catholick*, that without respecting his Majesty's Answer, he declared himself to be a Protestant, and so should always continue; yet he said, He should always serve his Majesty, and labour to advance his and the King his Father's Affairs with as much Fidelity and Honesty, as any Catholick whatsoever: And his Majesty was pleased then to make unto the said Earl a full and clear Declaration of his Religion, and of his constant Resolution therein; and seemed to be much displeased, that any should have so unworthy an Opinion of him, as to think he would for a Wife, or any other earthly Respect whatsoever, so much as waver in his Religion. Whereupon the said Earl besought his Majesty to pardon his Boldness, and then intreated him not to suffer his Business to be overthrown, by permitting that Conceit of his Conversion any longer to remain in the *Spaniards*, nor to any thing that might give them Hope therein, alledging, That it was im-

possible

possible the Marriage could be without a Dispensation; and so long as the *Spaniards*, who were to procure the Dispensation, should have hope of his Majesty's Conversion, they would never content themselves with a part; to which they were tied by the Articles agreed upon with the said Earl and Sir *Walter Aston*. At which time his Majesty was pleased to approve of his Opinion, and said, he would expect the Dispensation, and did thereupon afterwards send Mr. *Andrew* to *Rome* to hasten it; and the next Day the said Earl dealt very roundly with the *Conde Olivares* and *Gondomar*, telling them it was a discourteous manner of proceeding to press his Majesty to further Conditions than were formerly agreed upon in Point of Religion, and to make his Conditions the worse for the great Obligation he had put upon them, by putting himself into their Hands; whereat they took such great Offence, that they estranged themselves from him for a long time after. And that the said Earl did thus proceed with the said *Conde*, and that it was not a new-framed Answer to satisfy present Objections; but that which really and indeed passed, will really appear by his Dispatches unto his late Majesty of blessed Memory; and before his Majesty that now is came out of *Spain*, they were there shewed unto his Majesty, bearing date the 9th of *September* 1623. So that although it be true, that he the said Earl did not dissuade his Majesty, for that there was no Cause for it; yet without expecting his Majesty's Answer, he first made a clear and true Profession of his own Religion; and when his Majesty had declared to him his Zeal and Constancy, he humbly besought him, That the *Spaniards* might not for any respect be longer held in hopes of that Point. And because point of Religion is that which all Men of Honour and Honesty would chiefly desire to clear, especially having an Imputation of that Nature laid upon them, as the said Earl hath in the said Article. He humbly beseecheth your Lordships, that he may not seem to digress from his Charge, intending your

your Lordship's Satisfaction in that particular, not by the aforesaid verbal Discourse only, which he professeth was in much Zeal to Religion and dutiful Care to the Prince in that kind, but by some written Testimony of his former Opinion both of the Match and Religion. When he was first employed into Spain for the Treaty of his Marriage 1617, his late Majesty having commanded him to give an account thereof unto his Majesty that now is, he at his Departure towards Spain, presumed to give unto his Majesty that now is, his Opinion in Writing signed with his own Hand, to be kept as a Testimony of future Action, the Copy whereof is this as followeth.

S I R,

THE Opinion which I have ever presumed humbly to offer unto his Majesty concerning your Highness's Marriage, hath been, that both in regard of Conscience and Satisfaction unto his Majesty's People and Allies; likewise for the Security and Quiet of your Majesty's Estates, your Highness might take for Wife some Protestant Princess, although she neither were Daughter to a King, nor had so ample a Portion as might relieve the King's present Necessities and Wants; for then there might be many ways found to help the King's Wants, either by some few Years Providence, and Frugality, or by winning the Affections of the People, to the supplying of his Majesty by way of Subsidies in Parliament; whereas Contrariwise, if the number and power of the Papists shall be increased, as undoubtedly they will by your Highness's matching with any Catholick Princess, through the Concession which must be of Necessity for the Exercise of her Religion for herself and Family, within your Highness's Courts, and thereby by Degrees these two different Religions shall grow to an equality of Power; it will be great bazard and disquiet to the State, and not to be redressed without great Danger, and Courses of more Violence than is usual for this State to put in practice. But in Case his Majesty out of his Wisdom and Consideration best

best known to himself, hold it fittest that your Highness Match with France, or Spain, or any other Catholick, either for that the present time affordeth no Protestant Princess, who is for Years or Blood suitable to your Highness, or that can in any considerable Measure by the Portion, supply his Majesty's present Wants. I then conceived that the Match by which this State shall suffer least Inconveniency and Cumbers, and whereby his Majesty's Necessities shall by the greatness of the Portion be the most relieved, is with Spain, if such a Match may be made with such Conditions of Religion, as other Catholick Princes will contract themselves withal.

Thus much I thought fit humbly to present unto your Highness, for that I see my Employment liable to the censure of many worthy Persons, with whom though I concur in my Opinion, yet I seem much to differ from them many ways: for that it is more proper to me to be true to my Master's Ends and Services, than by the declaring this, to procure their Satisfaction: Only to your Highness I thought fit to make this Declaration, and shall be a Suitor to you for your Favour, as you shall see me really labour to put this in Effect. And if his Majesty shall, either upon Motion of Parliament, or any other Proposition that can be made unto him, think fit to proceed with a Protestant Match, as I shall wish as well unto it as any Man living, so I hope, in such sort to manage the present Business that I have in Hand, that it shall rather much further, than any way cross or hinder it. But in Case his Majesty shall not be drawn to any Proposition for a Protestant Match, I then conceived, that your Highness both doth, and will approve, that I really and effectually labour to procure a Match for your Highness in Spain, upon such Conditions, in point of Religion and Portion, as to his Majesty shall seem fit.

Besides which Declaration of his Opinion, he hath all the Days of his Life, and in all Places, lived and allowed himself to be a Protestant, never having done any the least Act that was not suitable to that Profes-

sion:

And in all his former Employments for the Space of fourteen Years, of more than five hundred Persons of all Qualities that attended on him, there was never one perverted in his Religion, saving two Irish Footmen, who in *Ireland* had been bred Papists. And he humbly desired the Testimony of Doctor *Mason*, and Doctor *Wren*, his Majesty's Chaplains, who were with his Majesty in *Spain*, and of *John Sampford* one of the Prebends of *Canterbury*, *John Boswell* Parson of *St. Lawrence* in *London*, and *John Frewen* Divinity-Reader in *Magdalen-College* in *Oxford*, and now one of his Majesty's Chaplains, and also his Majesty's Chaplains in *Spain*; as well for the frequent use of the Sacrament, as constant Practice and Exercises of Religion, and the Testimony of such Catholics as are known to have been his ancient Acquaintance and Friends, to examine themselves on Oath, whether publickly or privately in *Spain* or in *England*, they had known him in any kind to make shew, or so much as to forbear, upon all Occasions to declare the Religion he professeth. And that the said Mr. *Frewen* and Mr. *Waka* may be also examined, whether in Extremity of several Sickneses, whereunto he hath of late Years fallen, he hath not ever settled his Conscience with them towards God, and made a Confession of his Faith; resolving as befitting a Protestant or good Christian.

VIII.

To the eighth Article the Earl saith, That he did not at any time, or in any place, endeavour to perswade the Prince, touching his Religion, to become a *Roman-Catholick*, and to be obedient to the usurped Authority of *Rome*; neither did the said Earl, to that end and purpose, or otherwise, use unto his Majesty, then Prince, the Words in the Article mentioned. But the said Earl acknowledgeth, That upon occasion of a Letter that came to his Majesty, then Prince, putting his Majesty in mind of the great

great Actions of his Royal Progenitors in the Holy War, that the great Kings of these Times did not only employ their Powers, but in their Persons went into the Holy Land; the Earl believeth, that by way of Discourse only, and not otherwise, he may have said, That in regard of the Difference in Religion, it was of more Difficulty to undertake such great Actions now, than in former Ages; and it might well be instanced in the present Treaty of the Marriage, wherein the Pope's Consent was to be obtained. And to this Effect, and upon the like Grounds, he is confident there were very many that late, nay, few of a carnal about his late Majesty, that have not often heard his Majesty say, That he was the true Martyr, that suffered more for his Religion than all the Princes of Christendom besides; instancing in divers Particulars, but especially in this, That he could not match his Children with Kings of his own Rank, without the Pope's Leave.

But the said Earl saith, He never alledged any such Thing to any other purpose, than to shew, that only Conscience, and Love to Truth, (in which regard Protestants suffered much) not any Temporal Respects, made Men constant and zealous to the Profession of our Religion. By which Discourse he ever attributed much to the Honour and Security of the Protestant Religion; but never used it as an Argument to persuade to the contrary, as in the Accusation is insinuated.

Besides, he conceiveth, by way of Answer thereunto, the said Question may be asked, which his Majesty was pleased to ask of the Earl in the Seventh Article; viz. *What the said Earl saw in his Majesty, that he should think him so unworthy, as to change his Religion for a Wife, or any earthly Respect whatsoever?* So why should it be thought, that being more fit to undertake great Actions in the World (being a mere Moral and Temporal Respect) should be an Argument to persuade in Conscience so religious and wise a Prince, and so well instructed as his Majesty is, as

though the Soul of a Christian Prince was to be wrought upon, in point of Truth and Belief, by temporal and worldly Respects of Conveniencies and Greatness? It were necessary for the proving, that the said Earl persuaded his Majesty touching Religion, to produce some Arguments that he used out of Scripture, to satisfy him in point of Conscience in some Tenets of the *Roman Church*, or that he produced any Conference with learned Men for his Satisfaction in point of Religion: Otherwise the Articles used in this against the said Earl; do (as he conceiveth) carry little strength to prove the Charge of persuading his Majesty, either in regard of *it self*, or in regard of his Majesty's Piety.

IX.

To the Ninth Article, the said Earl saith, That there was a Discourse in *Spain* of the way of accommodating the Prince *Palatine* his Affairs; and by way of Discourse it was moved, That the Marriage of his eldest Son, with a Daughter of the Emperour, and his Son to be bred in the Emperour's Court, would be the fairest Way for the pacifying of, and accommodating those Businesses. And the Earl, by way of Discourse, and not otherwise, did say, That he thought his late Majesty could not be adverse, either to the said Match, or to the breeding of the Prince *Palatine* his Son with the Emperour; so as thereby the whole Patrimonial Estate of the Prince *Palatine*, and the Dignity Electoral might be fully restored, and that his Son might be bred in his own Religion, and have such Preceptors; and such a Family, as his late Majesty and his Father, meaning the Prince *Palatine*, should appoint; and they to have free Exercise of Religion: For so his late Majesty hath often declared himself to the said Earl, and wished him to lay hold on any Occasion for the entertaining of any such Proposition: And otherwise than so, and upon the Terms aforesaid, and by that way

way of Conference and Discourse only, he delivered not any Opinion to his Majesty, at his Majesty's being in Spain: For the said Earl is very confident, that his Majesty was returned out of Spain before any Proposition was made for the said Marriage, other than by way of Discourse, as aforesaid; the same as the said Earl believeth, being first moved and debated on by way of Proposition, between Mr. Secretary Calvert, and the Ambassador of the King of Spain, October 2. 1623, his late Majesty, upon a Relation made unto him by a Letter of Mr. Secretary Calvert, approved of the said Proposition, and declared the same to be the only way, as he conceived, to accommodate with Honour those great Businessses: And wrote to that purpose to his Son-in-law the Prince Palatine, by his Letters dated 9. November 1623, a Copy of which he, together with Mr. Secretary Calvert's Relation, and the Lord Conway, by his late Majesty's Commandment, sent unto the said Earl, the Tenor of which translated out of French, is as followeth.

We have thought good, that we may provide best and most soundly for your Affairs; not only to procure, but also to assure your Peace, were to cut up by the very Roots, that Evil, which hath been settled in the Heart of the Emperour, by the great Displeasure and Enmity he hath conceived of you. For the removing and quite extinguishing of which, it seemeth to us no better or more powerful Means can be used, than a good Alliance, which may be proposed by us, between your eldest Son, and the Daughter of the said Emperour, upon the Assurance we have, we shall not be refused in this Nature, if you on your part will give your Consent. And for the more Surety of the good Success thereof, we are determined before any such Proposition be made to the Emperour, to interest the King of Spain with us in the Business, who, we trust, will lend us his helping Hand, as well for the effecting of it, and bringing it to a good Conclusion, as in procuring likewise, that the Condition be duly observed.

Amongst which Conditions, if it happen that the Emperour should demand, that your Son, during his Minority, should be brought up in his Court, we shall tell you, that we, for our own part, see no Reason why you should stick at it, upon such Conditions as he might be tied unto, to wit, That the young Prince should have with him such Governour as you shall please to appoint him, although he be no Roman-Catholick; and that neither he, nor any of his, should be any way forced in Matter of their Conscience. And our meaning is, so to order our Proceeding in this Treaty, that before your said Son be put into the Hands of the Emperour, we will have a clear and certain Assurance of an honourable, entire, and punctual Restitution of all whatsoever belonging to you: As also we will take Care to provide accordingly, as fully and exactly for the Assurances requisite for the Liberty of Conscience, for him and his Domesicks, as they have done here with us, touching those that have been granted them for the Infanta. And therefore seeing there is no Inconveniency at all, that may cause your Averseness or Backwardness in this Business, which we for our parts think to be the best, shortest, and most honourable way that you can take, for the compassing of the entire Restitution, and making your Peace sure with the Emperour, we hope your Opinion will concur with us therein, and shall intreat you, by the first, to send us your Answer.

By which Letters, after his Majesty's coming out of Spain, it appeareth to your Lordships, that there was no Proposition of the Marriage betwixt the Son of the Prince Palatine and the Emperour's Daughter, when that Letter was written; for therein his Majesty saith, he was determined to interest the King of Spain in the Business, before any such Proposition should be made to the Emperour. And it will also thereby appear, that his late Majesty's Inclination was of the Conveniency thereof, which the said Earl hopeth will acquit him, if by way of Discourse only he declared what his Majesty's Opinion was,

was, which, with Honesty he could not have concealed. And the said Earl saith, he doth not remember what Answer Sir *Walker Aston* made upon that Discourse which he then delivered, nor what Replies the said Earl made; but sure he is, whatsoever the said Earl said, or what Answer or Reply soever was made, as it was by way of Discourse, and not otherwise, so it was according to that which he truly conceived to be the best and easiest way to accommodate the Business, and to be his Majesty's Pleasure, (which the said Sir *Walter Aston* may be ignorant of, as he is confident that he was) and not out of any Disaffection to our Religion, or for any sinister Respect or Regard to the House of *Austria*, as by the said Article is intimated: For he did conceive the Breeding of the Prince *Palatine's* Son with the Emperour, having a Governour appointed by his late Majesty and his Father, and he and his Domesticks to have free use of their own Religion, to be a Matter of Impossibility, or such dangerous Consequence in Point of Religion, as to imply his Conversion; as by the Article it is intimated; well knowing that in the Emperour's Court, all Princes there, though his Prisoners, and others his Counsellors and Servants about his Person, and so great Command in his Armies, being avowed Protestants, have the free Use of their Religion: And it is not to be supposed the Son of the Prince *Palatine*, Grand-child to the King of *Great-Britain*, should be matched, and no Care taken to capitulate for the Use of his Religion, being ever granted to the meanest Prince that is bestowed. And his Majesty's special Care in this point is fully seen in the said Letter.

X.

To the Tenth Article he saith, That by comparing of this Article of his too much Forwardness, with the Second Article, whereby he is charged with continuing the Treaty upon Generalities, without re-

ducing them to Certainties, and direct Conclusions, your Lordship's will perceive how impossible it was for him to avoid an Exception. But for direct Answer to the present Charge, he saith, That he did not presumptuously, nor yet to his Knowledge, break his Instructions, nor set any Day at all for the Desponsories; but was therein merely *passive*, in admitting the Day nominated by the King of *Spain*, according to the Capitulation before made: Nor did he presumptuously, wilfully, or willingly disobey any Commandment or Direction of his Majesty that now is, then Prince, which he could understand not to be countermanded, either by present or future Instructions otherwise explained.

And for the better Manifestation of the Truth of his Proceedings in, and concerning the same, he saith, That on the Day of the Departure of his Majesty, then Prince, from the *Escorial* in *Spain*, his Highness delivered unto him, in Presence of the Commissioners, his Proxies Powers, with publick Declaration taken in Writing by the Secretary to the King of *Spain*, of the Prince his Pleasure, and how the said Earl should use them, viz. That he should deliver them to the King of *Spain*, upon the coming of the Dispensation cleared from *Rome*, according to that which hath been agreed, which was to be within ten Days after the coming of the Dispensation. And he further saith, That it is true, that the Prince afterwards by his Letters sent by one Mr. *Clark*, commanded him the said Earl not to deliver the said Proxies till he should have received Security, that the *Infanta*, after her being betrothed, should not enter into any Religious Order, and that before he proceeded, he should send to his Majesty, then Prince, such Securities as should be offered, that he might judge whether it were sufficient or not.

Whereupon the said Earl, as became a faithful Servant, presented unto his Majesty that now is, then Prince, such Assurances as were offered unto him, for securing of that Point, together with such Rea-

sons as he conceived were fit to be offered to their Considerations; which gave unto his late Majesty, and his Majesty that now is, then Prince, Rich Satisfaction, as they were pleased to dispatch a Post presently unto him, absolutely discharging him of that Commandment, as by their several Letters, dated October 8. 1623, will appear as followeth:

We have Received your Letters by Grisley, and the Copy of them to our dear Son; and we cannot forbear to let you know, how well we esteem that dutiful, discreet, and judicial Relation, and humble Advice to our Son: Whereupon, having fully deliberated with our Self, and communicated with our dear Son, we have resolved; with the good liking of our Son, to rest upon that Security in Point of doubt, for the Infanta's taking a Religious Order, which you in your Judgment shall think meet.

And by that other Letter of his Majesty that now is, then Prince, as followeth, viz.

Your Letter to the King and me, concerning that doubt I made after I came from St. Laurence, hath so satisfied us both, that we think it fit no longer to stick upon it, but leave it to your Discretion to take what Security you shall think fitting.

Whereby he was absolutely freed of that Command; and being so freed thereof, he then remained under the Order which his Majesty, then Prince, had left with him at his Departure, which was, to proceed according to the Capitulations, and his Highness's Declaration, when he delivered the said Proxies unto him: And so he Intended to have done, till by his Highness's Letters, November 13. 1623, he was directly commanded the contrary, which Commandment he directly and punctually obeyed.

And for such his Intentions, till he was countermanded, he conceived he had not only sufficient Warrant, but had highly offended if he had done otherwise. For first, for his Proceedings to consum-

made the Match; he had Warrant and Instruction under his late Majesty's Hand. Secondly, it was the main Scope of his Ambassages. Thirdly, he was enjoined by the King and Prince his Commission, under the Great Seal. Fourthly, he had positive Order under his Majesty's Hand, by Letters since. Fifthly, it was agreed by Capitulations, that it should be within so many Days after the coming of the Dispensation. Sixthly, his late Majesty, and his Majesty that now is, then Prince, signified by their Letters unto him at the same time, when they discharged him of his Commandment touching the Infants coming into Religion, that they intended to proceed in the Marriage, as by his Majesty's Letters, October 8, 1623, will appear. Seventhly, the Proxies were to that end left in his Hands, and after again renewed, after his Majesty's Return into England. Eighthly, he had overthrown the Marriage without Order. For although Sir Walter Aston and himself used all possible means for the gaining of Time, and deferring the Desponsories; yet the King of Spain caused it to be protested, That in Case he, the said Earl, should insist upon the deferring of the Desponsories, he would free himself from the Treaty by the said Earl's infringing of the Capitulations. And in Truth, although the King of Spain should have condescended to have prolonged the Desponsories, until one of the Days of Christmas, as by the Letter was required; yet the Prince's Proxies had been before that time expired, and he durst not, without a precise Warrant, put such a Scorn upon so noble a Lady, whom he then conceived was like to have been the Prince his Wife, as to nominate a Day of Marriage when the Proxies were out of date, and he was himself sworn to the Treaty. And lastly, he could not in Honour and Honesty, but endeavour to perform that publick Trust reposed in him, when the Proxies were deposited in his Hands, with publick and legal Declaration, with an Instrument by a Secretary of State to the King of Spain, leading and directing the use

Most of them, stand the same being then *Instruments*, *Capitulum*, wherein as well the King of Spain was interested by the Acceptation of the Substitution, as the Prince by granting of the Proxies; he could not in Honesty fail the publick Trust, without clear and undoubted Warrants, which as soon as he had, he obeyed. So as the Case standing thus, the said Earl is very confident, that the supposed Countermands, Dispositions, and Restrictions, when they should be perused and considered of, will appear to have been very slender and insufficient Warrant against the aforesaid Orders and Reasons before specified: And is also as confident, That what is assured out of his, the said Earl's Dispatches, will also appear to be misunderstood; and that if he had proceeded to the Execution of the Desponsories, before he received direct and expresse Commandment to the contrary by the aforesaid Letters, November 13, 1623, which he readily and punctually obeyed; he had not, under favour, broken his Instruction, or deserved any blame for lack of Assurance of the Restitution of the *Palatinate*, and Temporal Articles.

And first, of the *Palatinate*, his said Majesty did not send to the said Earl expresse Directions not to dispatch the Desponsories, until a full Conclusion were had of the other Treaty of the *Palatinate*, together with that of the Marriage, as by the said Article is alledged; only his late Majesty, by the aforesaid Letters of October 8, required the said Earl so to endeavour, that his Majesty might have the Joy of both at Christmas. Whereas his Instructions of May 14, 1621, were expresse, that he should not make the Business of the *Palatinate* a Condition of the Marriage. And his late Majesty's Letters of December 30, 1623, were fully to the same Effect. Yet did the said Earl, according to what was intimated by the said Letter of October 8, so carefully provide therein, as that before the Proxies were to be executed, he had an absolute Answer in the Business of the *Palatinate*, the same should be really restored

followed according to his late Majesty's Desire; and the Count Olivares, both in his Majesty's Name and in his own, desired the said Earl and Sir Walter Aston, that they would assure his Majesty of the real Performance of the same, and intreated, if need were, they should engage their Honour and Life for it, as by their joint Dispatches of November 23, 1623, will appear; and so much the said Sir Walter Aston and the said Earl agreed should be delivered to them in Writing, before they would have delivered their Proxies, and so the said Earl declared it, which Answer in writing should have been the same, which since was given them of January 8, 1623. And both Sir Walter Aston and the said Earl were confident therein, as they, by their said Letters of November 23, wrote to his late Majesty as followeth; viz.

That his Majesty might, according to his Desire, promise to the said Earl by his Letters of October 3, 1622, as well to his Majesty's Daughter that Christmas, the comfortable News of the expiring of her great Troubles and Sufferings, as to his Son the Prince, the Congratulation of being married to a most worthy and excellent Princess.

By which it will evidently appear, he meant not to leave the Business of the Palatinate loose, when he intended to proceed to the Marriage; but he confessed, that he was ever of Opinion, that the best Pawn and Assurance his late Majesty could have of the real Proceeding of the Palatinate, was, That they proceeded really to the effecting of the Match; and of the same Opinion was his late Majesty also, and the Lords Commissioners here in England, as appeareth by his Instructions, dated March 14, 1621, which Opinion still continued in them, as appeareth by his late Majesty's Letters of January 7, 1622. And as for the Temporal Articles, the said Earl saith, When the Desponsories were formerly appointed to have been, as he remem-
breth

breth on *Friday, August 29.* before the Departure of his Majesty, then Prince, out of *Spain*, which was only hindered by the not coming of the Dispensation, the Prince appointed him and Sir *Walter Aston* to meet with the *Spanish* Commissioners, and they drew up the Heads of the Temporal Articles, wherewith the Prince and the Duke of *Buckingham* were acquainted, and in case the Dispensation had come, and the Desponsories being performed on that Day, there had been no other Provision made for them before the Marriage; but presently, upon the Prince his Departure, he, the said Earl, caused them to be drawn into Form, and sent them to his late Majesty, *September 27, 1623*, desiring to understand his Majesty's Pleasure with all speed, especially if he disapproved any thing in them; but never received notice of any Dislike thereof, until the aforesaid Letters of *November 13, 1623*, which put off the Desponsories. So as it appeareth, the said Earl was so far from breaking his Instructions, or from having any Intention to have proceeded to the Execution of the Desponsories, before his Majesty and the Prince were satisfied of this Point of the *Infanta* entering into Religion, or before convenient Assurance, as well for the Restitution of the *Palatinate*, as Performances of the Temporal Articles, that he deserveth, as he conceiveth under Favour, no blame, so much as in Intention; but if he had erred in Intention only, (as he did not) the same being never reduced into Act, the Fault (as he conceiveth) was removed by his Obedience before the Intention was put into Execution: For so it is in Cases towards God. And as to the Matter of Aggravation against him, that he appointed so short a Time for the Desponsories, as that without extraordinary Diligence the Prince had been bound, he thereto saith, as he said before, that he set no Day at all thereunto, nor could defer it after the Dispensation came from *Rome*, without a direct Breach of the Match so long laboured in, and so much desired: yet he and Sir

Walter

Walter Aston having used all possible Industry to discover how the Motion of deferring the Match would be taken; and forcing an absolute Resolution in the King of Spain to proceed punctually, and to require the Proxies according to the Capitulation, within ten Days after the coming of the Dispensation; and that Time also getting Advertisement from Rome, that the Dispensation was granted; and would presently be there; he, the said Earl, to the End, in so great a Cause, he might have a clear and undoubted Understanding of his late Majesty's Pleasure, sent a Dispatch of November 1, with all Diligence unto his Majesty, letting his Majesty know, that it could not be possible for him to protract the Marriage above four Days, unless he should hazard the breaking, for which he had no Warrant.

But that this was now no new Resolution, nor the King so straitned in Time, as by the said Article is pretended, will appear by the said Earl's Dispatch of September 28, 1623. In which, upon Scruple that was then made of the Infanta's entering into Religion, he wrote to the same Effect, viz. *That if the Dispensation should come, he knew no Means how to detain the Proxies above Twenty or Twenty-four Days.* So that although Difficulty happened until the midst of November 1623; yet it was foreseen, that it must of Necessity happen: whensoever the Dispensation should come; and then was warning of two Months given thereof; viz. from September 24, until November 19, which was the Time appointed for the Desponsaries.

So as he most humbly submits himself unto your Lordships, which of the two ways was the safer or dutifuller for him to take; whether upon Inferences and Conjectures, to have overthrewed so great a Business; or, on the other side, first to have presented unto his Majesty this Truth and Sincerity as he did, the true Estate of his Affairs, with his humble Opinion therein, with an Intimation, that if his Majesty should resolve to break the Match, that for the said Earl his honest Discharge of the publick Trust re-

posed in him; when the Promises were deposited in his Hands, and for his sufficient Warrant in so great a Cause, his Majesty would be graciously pleased to give him a clear and expresse Order; (which he had not; y and in the Interim, whilst his Majesty might take into Consideration the great Inconveniencies that might ensue; the said Inconveniencies might be suspended; and the Business kept upon fair Terms; that his Majesty might have his Way and Choice clear and unfoiled before him.

And as to the evil Consequences which are pretended would have followed, if the said Earl had proceeded to the Confirmation of the Match, before he had expresse Order and Warrant to the contrary; he supposed his Majesty should speedily have seen the Marriage, which he so long sought to have effected; that the Prince should have had a worthy Lady whom he loved; that the Portion was much greater than ever was given in Money in *Christendom*; that the King of *Spain* had engaged himself for Restitution of the *Palatinate*; for which the said Earl conceived a Daughter of *Spain* and Two Millions had been no ill Pawn; besides many other Additions of Advantage to the Crown of *England*: Whereas on the contrary Side, he foresaw that the Prince would be kept a Year longer unmarried, a Thing that so highly concerneth these Kingdoms; he doubteth that the Recovery of the *Palatinate* from the Emperor and Duke of *Bavaria* by force would prove a great Difficulty; and that *Christendom* was like to fall into a general Combustion: So that desiring that his Majesty should have obtained his Ends, and have had the Honour and Happiness, not only to have given Peace, Plenty and Increase unto his own Subjects and Crowns; but to have propounded the greatest Differences that had been these many Years in *Christendom*: And by his Piety and Wisdom, to have prevented the shedding of so much Christian Blood, as he feared would ensue, if these Businesses were disordered. These Reasons, he confessed, and the Zeal

Zeal unto his Majesty's Service, made him so earnestly desire the effecting of this Business, and cannot but think himself an unfortunate Man (his Majesty's Affairs being so near settling to his Majesty's Content, as he conceiveth they were, and hoping to have been to his Majesty not only a faithful Servant, but a successful Servant) to see the whole Estate of his Affairs turned upside down, without any the least Fault of his; and yet he the only Minister on the *English* and *Spanish* Side that remained under Disgrace.

XI.

To the Eleventh Article the said Earl saith, That the Article is grounded upon a Petition by him preferred to this Honourable House, supposed to be scandalous; which your Lordships (as he conceiveth), according to the Customs and Privileges of the House of Peers, would have been pleased first to have adjudged so to have been; either for Matter appearing in itself, or upon hearing the said Earl; for if the Matter appearing in the Petition itself be not to be excepted unto, it cannot, as he conceiveth, by collateral Accidents, be taken for a Scandal, till it be examined and found false. For a plain and direct Answer thereunto he saith, That the said Petition is such, as will not warrant any such Inference, as by the said Article is enforced. And that he hoped to justify the Contents of the Petition in such sort, as shall not displease his Majesty, nor deserve that Expression which is used in the Charge; but contrarily what he hath said, or shall say therein in his Defence, shall in all Things tend to the Honour and Service of his Majesty, by reducing into his Memory divers Circumstances, and laying before him the Passages of divers Particulars, which by undue Practices have been either concealed from his Majesty, or mis-related to him.

Having thus offered to this High and Honourable Court, such Proofs and Reasons as he hoped shall, in your Lordships Wisdom and Justice clearly acquit him of any capital Crime, or wilful Offence; if it shall appear, that out of Errors of Judgment, too much Ferventness of Zeal to his Majesty's Service, or the Ignorance of the Laws of this Realm, (wherewith he hath not been able to be so well acquainted as he ought, by reason of foreign Employments by the Space of many Years), or by any other Ways or Means he hath fallen into the Danger in the Laws for any thing pardoned in the General Pardon, made in the Parliament holden at *Westminster, Anno Vicesimo Primo Regni Imp. Jacobi Angliæ*, &c. of blessed Memory, he humbly prayeth Allowance of the Pardons, and the Benefit thereof, (with this Clause, That he doth and will aver, that he is none of the Persons excepted out of the same,) although he is very confident, he shall not need the Help of any Pardon, having received many Significations, as well from his Majesty's own Mouth, that he had never offended his Majesty, as lately, by several Letters of the Lord *Conway*, that he might rest in the Security he was in, and sit still, and should be no further questioned. But he hopes your Lordships will not only find him so far from Blame, but that he hath served his late Majesty of blessed Memory, and, his most gracious Son, the King's Majesty that now is, with that Fidelity, Care and Industry, that your Lordships will take Course, as you, in your Wildoms shall think fit, not only for upholding the Honour and Reputation of a Peer in this Realm, after so many Employments, but likewise become humble and earnest Suitors to his Majesty on his behalf (which he humbly prayeth) that he may be restored to his Majesty's good Favour, which, above all worldly things, he most desireth.

This

This Answer of the Earl of *Bristol* seemed to me worthy to be transmitted to Posterity, in a Language more generally known in the *English*. Truth shines throughout. It is all perfectly of a Piece: Nothing seems disguised, and the Earl's Innocence appears in so evident a manner, as hardly can there be any doubt made of it. But on the other Hand, we see there a fierce Persecution against this Lord, from those who must needs have been convinced of his Innocency. In this Persecution we see the extreme Weakness of *James I*, who, contrary to his own Knowledge, not only permitted the Earl of *Bristol* to be oppressed who had served him very faithfully, but also was brought to tell the Parliament, in 1624, two Things equally distant from the Truth. The First, that when the Prince and Duke of *Buckingham* came to *Madrid*, they found the Business the Earl of *Bristol* was charged with as untouched, as if it had never been mentioned before. And yet he had himself signed the Articles of the Treaty, and nothing was wanting but the Pope's Dispensation to celebrate the Marriage, as manifestly appears by the Earl of *Bristol's* Answer. The Second, that the Affair about which he consulted the Parliament, namely, whether he should break the Treaties with *Spain*, was yet *Res integra*, though these same Treaties had been entirely broken two Months before. But *Charles the First's* Prejudice against the Earl of *Bristol* is so surprizing, that after having seen the Earl's Defence, one can hardly believe, a Prince, so judicious in other Respects, could be induced to dictate to his Attorney-General an Accusation so full of Calumnies against a Lord, whom certainly he could not think guilty, since no Body knew more of the Matter than himself. This is a Character which by no means redounds to his Honour. He would have been more excusable, if he had only set the Duke of *Buckingham* to work, whose Reputation ought not to have been more dear to him than his own. In short, we see in the Earl of *Bristol's*

Answer, a clear and full Explanation of all that passed in *Spain*. In the Negotiation of the two Treaties about the Marriage, and about the Restitution of the *Palatinate*, which is the principal Subject of the Reign of *James I.* The Earl's Answer moreover undeniably shows what all the good Writers affirm, that the Duke of *Buckingham's* Account to the Parliament in 1624, was all a Lye. And therefore I thought this Account of the Duke's would not be wrong placed after the Earl of *Bristol's* Defence; to the End the Reader, by comparing the one with the other, might be satisfied with his own Eyes how unworthily King *James*, the Prince his Son, and the Duke of *Buckingham*, dealt by the Parliament in order to get them to advise a Rupture with *Spain*, which Advice King *Charles* afterwards so strenuously insisted upon.

The Duke of BUCKINGHAM'S NARRATIVE of the Transactions in Spain, delivered to both Houses of Parliament, by order of King JAMES I. in the Year 1624.

THE Duke in his Narration observed six distinct and several Parts. I. The Motives of the Prince's Journey to *Spain*. II. The Treaty of the Marriage set on foot in *Spain*, severally and by it self. III. The Treaty of the Marriage and Restitution, united together by a reciprocal Subordination. IV. The Prince's Return from *Spain*. V. His Majesty's subsequent Proceedings in both Treaties, since the Return. VI. The stating of the Question, *super totam materiam*; wherein both the Houses were to offer to his Majesty their Advice and Counsel.

ARTICLE I.

The Motives of the Prince's Journey to Spain.

The Negotiation of Sir Richard Welles Chancellor of the Exchequer, with the Arch-Dutchess of Brusse, ministred unto his Majesty the first Occasion of Jealousy, and made a kind of Discovery of the Spaniards indirect dealing with this State.

After the Duke had spoken these few Words, there was read a Letter of the 3d of October 1622, from the King to the Earl of Bristol, wherein Bristol was required to let the King of Spain know, how sensible King James was of the Emperour's proceeding towards him; and that he should demand of the King of Spain a Promise, under Hand and Seal, that Heidelbergh should be delivered within seventy Days after Audience, and the like for Manheim and Frankendale, if they be taken; and if this be denied, to press to have leave to march through the King of Spain's Territories with an Army, for the recovering of his Children's Patrimony; and that the King of Spain should assist us with his Forces.

Then the Duke desired the Houses to take for Truth whatever he should say, granted and attested by the Prince's Presence; and declared, That this Letter was not put home to the uttermost of Bristol. Hereupon a Dispatch was sent away to my Lord of Bristol, expressly commanding him to press his Directions more home than yet he had done, and in Case he should be denied or delayed by the King of Spain, then to take his leave and come away: This was not so fully exacted by my Lord of Bristol.

Porter,

Porter, that carried these Letters, was commanded not to stay above ten Days, who, after he had been here some four or five Days, and saw nothing towards a Dispatch, went himself to the *Conde Olivares*, (having been his Creature) and desired him that he would speed his Dispatch. *Olivares* asked him what he would have? Who replied, No more than what had been formerly promised, that in Case the Emperor should deny the Restitution of the *Palatinate*, the King of *Spain* should assist our King by Arms to recover it, or else give way to our Forces to march thither through his Country. *Olivares* replied, That this was a preposterous Demand; What, to assist with Arms against the King's Uncle, and the Catholick League! *Porter* speaking to him of the Marriage of our Prince with the *Infanta* of *Spain*, he told him, That he understood not a Word of it.*

Porter acquainted *Brisfol* herewith: He said, He would call *Olivares* to an account, if he held this Language with him, and would make him understand, That an Earl of *England* was as good a Man, as a *Conde* of *Spain*. But sending for *Porter* the next Morning, he changed his Resolution, and concluded to carry the Business more calmly, and said, 'The *Conde* was so reserved, because he was sly and dainty to report those Mysteries with that Freedom to him, who was not qualified as a publick Minister. The *Conde* was angry with *Porter* for communicating what he said to *Brisfol*. Mr. *Porter* returned with a Dispatch fraught with Generalities, without any one particular or certainty at all made in relation to the Prince's Highness; who thereupon took his Resolution to go in Person to *Spain*, and gave himself these Reasons for the Enterprize.

* The Marriage had been now actually six Years negotiating at Madrid. There were some Articles signed which *Gregory XV* had sent back with his Answers. Either therefore *Conde Olivares*, or *Orser*, or the Duke of *Buckingham*, did not speak the Truth.

He saw his Father's Negotiation plainly deluded, Matters of Religion gained upon, and extorted, his Sister's Cause more and more desperate; and that this was the way to put Things off or on; and that in this particular, Delay was worse than a Denial; and that according to the usual Proverb, *A desperate Disease must have a desperate Remedy*.

Hereupon, the King commanded the Duke to accompany his Highness in his Journey.

ARTICLE II.

The Treaty of the Marriage severed, and by it self.

When the Prince had arrived at *Madrid*, the *Conde* gave him a Visit, magnified exceedingly the Prince's Journey, amplified the Obligations his Highness had put upon that King; and said That now without all peradventure, it must be a Match, and we must part and divide the whole World between us.

The next Day the *Conde* taking the Duke into his Coach, and Mr. *Porter* for his Interpreter, falling into Discourse of the Match, he said unto the Duke, Let us dispatch this Match out of Hand, and strike it up without the Pope: The Duke answered, He liked the Manner very well, but desired to understand the Means. The Means, quoth the *Conde*, is very easy; it is but the Conversion of the Prince; which we cannot conceive but his Highness intended upon his Resolution for this Journey.

The

* These Matters became much worse after the Prince was in *Spain*.

* All these Reasons are extremely weak. For supposing them to be true, they only prove at most the Necessity of a Rupture with *Spain*, but not of the Prince's Journey thither.

The Duke answered forthwith, That with Freedom they came thither, and with Freedom they would return again, they were no Juglers, neither came they to *Spain* to make new Bargains. That the Prince was settled in his Religion; his Conscience was troubled with no Scruples in that kind: If they struck any more upon that String, they would mar all the Harmony. Then said the *Conde*, there is no way but to send to *Rome* to hasten the Dispensation; to which the Duke assented. Hereupon the *Conde* wrote his Letter to the Cardinal *Lodovisia*, the Pope's Nephew; which being shewed to the Duke, seemed to him to be very heavy; the Duke therefore desired to quicken it with this Postscript, *That now the Prince being arrived, must not be sent back without a Wife; That delay to a Suitor is a kind of Refusal; that clogging Instructions would amount to a Denial, and new Conditions to an absolute Breach.* The *Conde* fell into Choler, said directly it could not be done. This the Prince affirmed to be acted in his Presence: But the Earl of *Bristol* made a more benign Construction thereof, the Duke a right-down Conclusion, That this People never intended either Match or Restitution; and so wished his Highness fairly at home again: However, the Messenger was dispatched to *Rome*.

Four or five Days after his Highness was placed to see his Mistress in her Passage through the Streets, as she made her Visits from Church to Church: But pressing for Access, he was delayed, but at last obtained a Visit; but a very strange one. He was not suffered to speak unto her, but as they had set it down in Words and Syllables in Writing, saying, They were no Astrologers, and could not foresee the Event of this Marriage: And therefore they resolved to admit him as a Prince only, and not as a Suitor. But the *Conde* salv'd this up with a Complement, That if the Dispensation were once returned, he

* They however made new ones.

should lye with her even that very Night; nay, have her he should upon any Terms. If he could not be qualified to enjoy her as a Wife, yet he should have her as a Mistress.

Soon after, riding in a Coach, it was urged by the Conde, That the *Infanta* was of a tender Conscience, and if she should come into England, and find the Prince an Enemy to her Religion, it would quite dishearten her. His Highness consented to hear her upon this Subject, because he was as like to convert her, as she was to pervert him. A Conference with Divines was pressed upon his Highness, which he refused, and said: If after Disputation with them, they should not prevail against a young Man, they would remain much disgusted, and ill-affected to the whole Negotiation; This kind of Importunity was still used towards the Prince, till the Return of the Dispensation.

Six Weeks after the Prince's Arrival came the Dispensation; but his Highness understood from Rome, by Mr. Gage, that the Dispensation was returned much clogged in Matter and Manner, especially with the annexed new Condition. The King of Spain, before the receiving of the Dispensation, was to take an Oath to see all the Articles performed; whereupon Faculty was issued, really performed, or else to make War, in Case of any failure, upon the King of England,

His Highness signified his Resolution unto them, that he neither could nor would add or alter any thing of the first Articles sent to England.

A Junta of Divines are appointed to meet and consider, whether the King might safely take the Oath. By this time the Prince had gone through all the Articles, sitting in Person with the Committee; only leaving three undiscussed, That of the Church, that of the Nurse, and that of the Education of the Children; which his Highness reserved till he should speak with the King. Then said the Conde, Now Business

Business is in a better Way than ever it was, a Match, and without more ado she was his Wife.

But the next Day came *Gondomar*, and spake unto the Prince of the same Match, as of a new Thing, and told him plainly, that unless his Highness came to all the Conditions of the Dispensation as they were sent from *Rome*, clearly and intirely, nothing would be done; for they had no Power to remove or alter a word of false *Latin*. Whereupon his Highness was justly distasted, and offered to break. Then they pressed the Prince, that he would be pleased to stay Twenty Days, until the King of *Spain* might receive an Answer from *England*. The Prince resolved to stay, upon Condition that Sir *Francis Cottington* might be dispatched away within two Days, and some Messenger that might overtake him with the Articles that should be sent after, as soon as ever they could be made ready: But the two Days of their hammering spun out to twenty; at the end thereof they brought them with new Additions.

The Articles being at last sent to *England*, the *Juncto* of Divines delivered their Opinions, that the *Infanta* could not be sent over before the Spring; at which his Highness was offended; but the *Comde* prevailed with him to stay, until their Ambassador should certify out of *England*, that the Articles were assented unto by King *James*, and put in Execution, and then the Lady should go with the Prince.

The Bishop of *Segovia* was pleased to say to the Duke, That he had heard something of the Estate of our Kingdom, and had received it from good Hands; that our King could not make a Toleration without a Rebellion, and easily believed it; because the King of *Spain* is not able in his Dominions to effect the least Enterprize, without incurring the like Danger; therefore he concluded, it was unsafe to send the Lady thither at this time, because we having granted as much in effect as a Toleration, it was very probable she should be welcomed with a Rising and Rebellion. To which the Duke replied, That if the

Favours which the King his Master had exhibited to his Catholics as the Mediation of that King, and the Advice of that very Committee, of which that Bishop was one, be of so dangerous a Consequence; it seems their Lordships, who gave the Advice for that Article, though they pretended Religion, intended plain and open Rebellion. But you must know, quoth the Duke, if his Highness had been of my Lord Bishop's Opinion, That these Conferences had amounted to a Toleration; he had never accepted of these Articles to have gained any Allowance: For what was agreed unto, was but a Temporary Suspension of penal Laws, but no Toleration; for that could not be done, but by consent of Parliament. Then Gondomar hereupon said, that for his part, he did not hold it fit to send the *Infanta* thither before the Articles be perfectly put in Execution. And Gondomar privately infused to the Prince his Highness, being incensed against the Duke, That the Duke was in Heart (as he said all his Kindred were) a *Roman* Catholick; and he said to a Jesuit of great Account and Zeal in those Parts, That the Duke was a most obstinate, perverse, and refractory *Puritan*.

About this time it was reported that the Prince intended to steal away; whereupon they laid wait to intercept him: Hereupon the Duke was sent to tell them, That although they had stolen thither out of Love, they would never steal thence out of Fear.

About this time the Prince sent a Message to his Father, That if he should receive any Advertisement, that he was detained by that State as a Prisoner, he would be pleased for his sake, never to think upon him any longer as a Son, but reflect upon the Good of his Sister, and the Safety of his own Kingdoms.

ARTICLE III.

*The Treaty of the Match and Restitution
reciprocally subordinated.*

It is fit to observe this Passage, which is the thing whereupon all his Highness's subsequent Actions are turned and moved. He had never staid a Sevensnight longer in *Spain*; he had never left any Proxy with *Bristol*; he had never taken any Oath at the *Escorial*; or ever so much as written a Letter of Complement to the Lady; but that he had still before his Eyes, as his Cynosure, the Promise made by the *Conde*, for the Restitution of the *Palatinate*.

To hasten the Delivery of the Lady, the Duke presented unto the *Conde*, how his Master was now in Years, the Prince his only Son; and he would suffer in Honour and Reputation, to return home without his Wife. The *Conde* consented hereunto, and desired the Prince would Name a Day for his Departure.

This News came to the *Infanta*, who seemed to be apprehensive of the Prince's going away, and prevailed with his Highness to return this Complement unto her, That rather than he would give her *Alexa* any Disgust, he would stay for seven Years.

By this time Sir *Francis Cottington* is arrived with all Things perfected by the King, and Letters from the Ambassadors of full Satisfaction, and a Command from the King to his Highness, to make his return within one Month.

Now began the *Conde* to enter into the Treaty for the Restitution of the *Palatinate*, saying, The Lady should by no means go to *England*, before that Business was accommodated. And it was projected, That there

there should be a Restitution of the Land to the Prince Palatine, upon a Condition of Marriage with the Emperour's Daughter, and that he should be bred in the Emperour's Court *. The Prince demanded of the Conde, whether in case the Emperour proved refractory, the King his Master would assist him with Arms to reduce him to reasonable Terms? The Conde answered negatively.*¹, because they had a Maxim of State, that the King of Spain must never fight against the Emperour; for they would not employ their Forces against the House of Austria.

Hereupon his Highness made his Protestation to the Conde: *Look to it, Sir, for if you hold your self to that, there is an end of all; for without this you may not rely upon either Marriage or Friendship.*

By this time the Prince is grown cheap and vulgar in the Court of Spain, so that they will scarce bestow a Visit upon him, and the Conde came very seldom to him; and two Letters came to the Duke's Hands, which shewed, that all that the Conde did, was nothing but Flashes and Lightning; notwithstanding he seemed at this time to be in a good Humour, and told the Duke, that now certainly it must be a Match, and the Devil could not break it: The Duke replied, he thought so, and the Match had need be very firm and strong, it had been Seven Years in soading. The Conde denied, and said plainly, it had not been really intended Seven Months; and said, I will fetch that out of my Desk that will assure you thereof; and so produced two Letters; the first was written with the King of Spain's own Hand, dated the Fifth of November 1622; and the other from the Conde Olivares of the

* It appears from the Earl of Bristol's Defence, which is confirmed by a Letter from King James, that this Proposal was not actually made till after the Prince's Departure from Madrid.

*¹ Either the Earl of Bristol or the Duke of Buckingham must in this point not have spoken the Truth.

the Eighth of November 1623, being an Answer to that Letter*.

These Letters having been inserted in the History of King James I, pag. 513, there is no need of repeating them here over again.

ARTICLE IV.

The Prince's Return from Spain.

And now the Prince, returning for England, being engaged to leave his Proxy, did deposite the same in the Hands of the Earl of *Bristol*, who was to keep it, and use it as his Procurator; that is, as he should receive his Highness's Direction from time to time: His Words for the present were, (said the Duke) That if the Confirmation came from *Rome* clear and entire*†, (which it did not) then within so many Days he should deliver it to the King of *Spain*.

The second Direction sent to him, was by a Letter which his Highness sent him between his Departure from the *Escorial* and coming to the Sea-side, to this Effect: That for fear a Monastery should rob him of his Wife, he should stay the Delivery of the Powers until the Doubts were cleared; and that his Highness would send him in the Premises some further Directions: Here because my Lord of *Bristol* in his Letter of the first of November 1623, doth press so vehemently the Prince his Highness concerning this Proxy, and the Prince vowed openly before both

* The Earl of *Bristol* pretended that these Letters were written with no other Intent but to get the Negotiation out of his Hands, because the Court of *Spain* was in hopes of obtaining better Conditions from the Duke of *Buckingham*.

† It is very doubtful whether this Condition was inserted in the Prince's Declaration.

both Houses *, that he had never by Oath or Honour engaged himself not to revoke the Powers more than by the Clause, *De non revocando Procuratore*, inserted in the Instrument itself, and that he conceived the Clause to be Matter of Form; and although essentially of no binding Power, yet usually thrust into every such Instrument; and that the *Civilians* do hold, That it is lawful by the Civil and Canon Law, for any Man to revoke his Proxy of Marriage, notwithstanding it hath the Clause, *De non revocando Procuratore* inserted in it. Therefore as to this Point the Duke concluded, That the Earl of *Bristol* in charging this Matter so highly on the Prince had much forgot himself *.

ARTICLE V.

The subsequent Proceedings of his Majesty in both the Treaties, since the Return of his Highness.

The Prince by the Mercy of God came to *Reyken*, and made his Relation to the King of all that had passed. His Majesty was glad, and told him, That he had acted well the Part of a Son; and now the Part of a Father must come upon the Stage, which was to provide with all Circumpection, That his only Son should not be married with a Portion of Tears to his only Daughter. And therefore his Majesty commanded by an express Dispatch, the Stay of the Proxy in the Earl of *Bristol's* Hands, until he had some better Assurance of the Restitution of the *Palatinate*.

Then

* Above five Months after.

* See the Earl of *Bristol's* Defence, Article X.

Then was read his Majesty's Letter to the Earl of Bristol, dated the 8th. of October 1623, wherein the Earl of Bristol was requir'd by the King *so to endeavour, that he might have the Joy of both Treaties at Christmas*; namely, those about the Marriage and the Restitution of the *Palatinate*. This the Duke would have had lookt upon as a positive Order not to deliver up the Procuration till the Restitution of the *Palatinate* was actually promised; concerning which Matter, see the Earl of Bristol's Answer to the Tenth Article of his Accusation.

After that the Duke went on in the following manner: You would perceive that by this Dispatch, *Bristol* would lay hold on all Hints and emergent Occasions to put off the *Desponsories* without this required Assurance by Arms first obtained; but the Truth is, he did not so.

For 1st, The Confirmation came from *Rome* clogged and mangled; and instead of challenging thereupon, he labours with no small strength of Wit to hide and palliate the same*.

2. In the Temporal Articles the Portion was altered, Six Hundred Thousand Pounds in ready Cash, to some Eighty Thousand Pounds in Money, and a few Jewels, and a Pension of Two Thousand Pounds *per Annum*. Instead of quarrelling with this main Alteration, he seems to approve and applaud the Payment*.

3. For the Assurance of Restitution of the *Palatinate*, the main Foundation both of Match and Friendship, he is so far from providing for it before, (which

* This could not be true. For the Dispensation did not come from *Rome* till the Beginning of *December* 1623, and the King's absolute Order not to deliver up the Dispensation was dated *November* 23. Therefore the Earl of *Bristol* had not time to write to *England*, to palliate the Defects of the Dispensation, supposing it had had any.

* This must needs be misrepresented; For if the Earl of *Bristol* had been guilty of such Prevarication, the King would not have failed to bring it as an Article of Accusation against him, which alone would have been enough to cast him.

(which was the Method prescribed him by the King) that he leaves it to be mediated by the *Infanta* after the Marriage.

Lastly, Instead of putting off the Contract, as any Man in the World (upon the Dispatch from *Royston*) would have done, he comes to prefix a precise Day for the *Desponsories*.

Now from this rash fixing of the Day for the *Desponsories* in Spain, which was controlled again by an Express, (a) from hence issued an unnecessary Discomfury put upon the King, and in a manner upon the *Infanta*, by the Earl of *Bristol* : From that proceeded a greater Affront put upon the Prince, the taking away the Title *Lay Princessa* from the *Infanta*, and the debarring of our Ambassadors from any further Access to her Person.

Then was produced an Answer of the King of Spain to the Memorial of the English Ambassador, implying a Refusal to assist by Arms for the Recovery of the Palatinate, in case the Emperour consented not to a Restitution.

A R T I C L E VI.

The stating of the Question super totam Materiam.

This Question the Duke stated on this manner : Whether this being the full Effect and Product of all the Negotiation, which I have opened unto you, be sufficient *super totam Materiam*, for his Majesty to rely upon with any Safety ; as well for the Marriage of his only Son, as for the Relief of his only Daughter ?

(a) It was the Prince himself and the Duke who had agreed with the King of Spain on the Day the Marriage should be solemnized, viz. Ten Days after the coming of the Dispensation, which the Earl of *Bristol* altered not.

Daughter ? Or, that these Treaties set aside, his Majesty were best to trust in his own Strength, and to stand upon his own Feet ? So the Duke ended with this Conclusion, That if the bringing us from Darkness to Light did deserve any Thanks, we owe it, and must wholly ascribe it to the Prince his Highness.

It is needless, in my Opinion, to make upon this Relation Reflections which may occur to every Reader, after having seen the Earl of *Bristol's* Answer. I shall content my self therefore with observing, how little proper this Account was to afford sufficient Information to the Two *Houses* of Parliament, to enable them, upon good Grounds, to form their Resolutions concerning the Question proposed to them by the King. And yet upon this alone it was that they resolved to advise the King to break with *Spain*; and this same hasty Advice was the principal Cause of the Differences that happened afterwards between *Charles I.* and his Parliaments.

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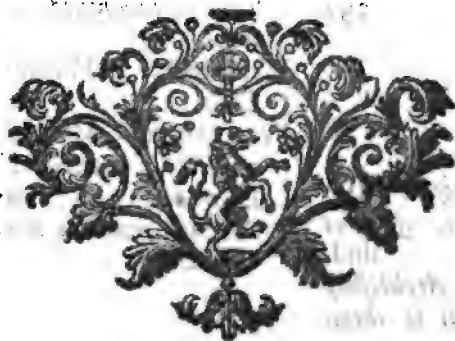
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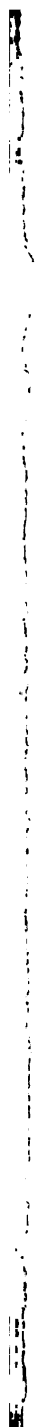




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